
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD A. WILLIAMS	:	
Plaintiff	:	Civil Action No. 17-CV-2641
	:	
v.	:	
	:	
MERRICK GARLAND, <i>et al.</i>	:	Judge John Milton Younge
Defendants	:	

Exhibit List to Plaintiff's Third Motion for Summary Judgment

Exhibit A: Pennsylvania State Police Background Check

Exhibit B: Federal Firearms Act of 1938

Exhibit C: Declaration and Expert Witness Robert Gordon's Report

Exhibit D: Federal Register Notices Granting Relief Pursuant to 18 U.S.C. § 925(c)

Exhibit E: John Kraszewski Court Records

Exhibit F: Kim Blake Court Records

Exhibit G: Barry Shoop Court Records

Exhibit H: Carl Fareri Court Records

Exhibit I: Charles Spangler Court Records

Exhibit J: Excerpt from the Deposition of Edward A. Williams

Exhibit A

(PSP Background Check)

PENNSYLVANIA STATE POLICE

1800 Elmerton Avenue
Harrisburg, PA 17110

Control #
R17746166

REQUEST FOR CRIMINAL RECORD CHECK

**JOSHUA PRINCE
646 LENAPE ROAD
BECHTELSVILLE PA 19505**

TELEPHONE: (610) 845-3803

TO WHOM IT MAY CONCERN:

THE PENNSYLVANIA STATE POLICE DOES HEREBY CERTIFY THAT:

Name: Williams, Edward

Date of Birth: [REDACTED]

Social Security #: [REDACTED]

Sex: M

Race: Unknown

Date of Request: 3/13/2017 11:00:00 AM

Purpose of Request: Other

Maiden Name and/or Alias (1) (2)

(3) (4)

***** HAS A CRIMINAL RECORD IN PENNSYLVANIA BASED ON A CHECK OF THE ABOVE
IDENTIFIERS - CRIMINAL RECORD FOR SID NO: 184-59-80-9 ATTACHED*****

THE INFORMATION DISSEMINATED BY THE CENTRAL REPOSITORY IS BASED SOLELY ON THE FOLLOWING
IDENTIFIERS THAT MATCH THOSE FURNISHED BY THE REQUESTER:

NAME **SOCIAL SECURITY NUMBER** **MAIDEN / ALIAS NAME**
 DATE OF BIRTH **RACE** **SEX**

THE RESPONSE IS BASED ON A COMPARISON OF DATA PROVIDED BY THE REQUESTER AGAINST
INFORMATION CONTAINED IN THE FILES OF THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY
ONLY. PLEASE CONFIRM IDENTIFIERS PROVIDED. POSITIVE IDENTIFICATION CANNOT BE MADE
WITHOUT FINGERPRINTS. THE PENNSYLVANIA STATE POLICE RESPONSE DOES NOT PRECLUDE THE
EXISTENCE OF CRIMINAL RECORDS, WHICH MIGHT BE CONTAINED IN THE REPOSITORIES OF OTHER
LOCAL, STATE, OR FEDERAL CRIMINAL JUSTICE AGENCIES.

COMPARISON MADE WITH FINGERPRINTS

ADDITIONAL INFORMATION MAY BE AVAILABLE FROM QUERIES OF OTHER STATE AND FEDERAL DATABASES.

SEE WEBSITE: <http://www.casanet.org/program-management/volunteer-manage/criminal-bkg-check.htm>

PENNSYLVANIA'S MEGAN'S LAW WEBSITE AT: <http://pameganslaw.state.pa.us/>
QUESTIONS CONCERNING THIS CRIMINAL RECORD CHECK SHOULD BE DIRECTED TO THE PATCH HELP LINE TOLL
FREE AT 1-888-QUERY-PA (1-888-783-7972)

CERTIFIED BY:



DISSEMINATED BY: 703182

03/22/2017

Lieutenant Richard O Quinn
Director, Criminal Records and Identification Division
Pennsylvania State Police

SP4-137B

COMPILED: 2017/03/22

PAGE: 1 of 1

PENNSYLVANIA STATE POLICE
 CENTRAL REPOSITORY
 1800 ELMERTON AVENUE
 HARRISBURG, PENNSYLVANIA 17110
 (888) 783-7972

=====
 USE OF THE FOLLOWING CRIMINAL HISTORY RECORD *** SID 184-59-80-9 ***
 REGULATED BY ACT 47, AS AMENDED.
 =====

IDENTIFICATION

NAME: WILLIAMS, EDWARD A
 SID: 184-59-80-9 DOB: [REDACTED] SOC: [REDACTED]
 SEX: MALE RAC: BLACK HAI: BLACK EYE: BLACK
 HGT: 6'01" WGT: 230
 POB: US CITIZEN: YES
 COUNTRY OF CITIZENSHIP: UNITED STATES

CRIMINAL HISTORY

NAME: WILLIAMS, EDWARD OTN: N293062-0
 ARRESTED: 2004/09/07 PAPEP0000 PHILADELPHIA OCA: C0935505
 DISPO DATE: 2006/06/15
 DISTRICT JUSTICE DOCKET NUMBER: MC 0409-0216

*** COURT DATA ***

OFFENSE	DATE	CHARGE	COUNT	GRADE	DISPOSITION
	2004/09/07	VC3802 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE	1		FOUND GUILTY/ COUNTY PRISON/ 90 DYS - 002 YR- S

FOR MORE INFORMATION, CONTACT THE APPROPRIATE COURT OF RECORD

PROBATION/PAROLE INFORMATION

AGENCY	OCA	START DATE	END DATE	PAR/PRO	LIFE CODE
PA051023G PHILADELPHIA	C0935505	2006/06/15	2008/06/15	PAROLE	

APPLIES TO OTN: N293062-0

ADDITIONAL IDENTIFIERS

AKAs: WILLIAMS, EDWARD ALS / WILLIAMS, EDWARD ALS JR

DOBs:

SOCs:

MNUs:

=====
 F=FELONY, M=MISDEMEANOR, S=SUMMARY AND THE NUMERIC=DEGREE
 ARREST(S) SUPPORTED BY FINGERPRINT CARD(S) ON FILE

RESPONSE BASED ON COMPARISON OF REQUESTER FURNISHED INFORMATION AND/OR
 FINGERPRINTS AGAINST A NAME INDEX AND/OR FINGERPRINTS CONTAINED IN THE FILES OF
 THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY ONLY, AND DOES NOT PRECLUDE
 THE EXISTENCE OF OTHER CRIMINAL RECORDS WHICH MAY BE CONTAINED IN THE
 REPOSITORIES OF OTHER LOCAL, STATE, OR FEDERAL CRIMINAL JUSTICE AGENCIES.

THE PENNSYLVANIA STATE POLICE IS IN THE PROCESS OF SWITCHING FROM SCN CHARGE CODES TO
 THE PURDON'S FORMAT. RAP RESPONSES MAY SHOW BOTH SCN AND PURDON'S FORMATTED CHARGES.

***** END OF RAP SHEET *****

Exhibit B
(Federal Firearms Act of 1938)

[CHAPTER 850]

AN ACT

To regulate commerce in firearms.

June 30, 1938

[S. 3]

[Public, No. 785]

Federal Firearms
Act.

Definitions.

"Person."

"Interstate or for-
eign commerce."

"Firearm."

"Manufacturer."

"Dealer."

"Licensed dealer."

"Crime of violence."

"Fugitive from jus-
tice."

"Ammunition."

Unlawful acts.
Transportation,
etc., of firearms or
ammunition without
license.Knowingly receiv-
ing same.Transportation, etc.
to other than licensed
manufacturer or dealer.*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—*

(1) The term "person" includes an individual, partnership, association, or corporation.

(2) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession (including the Philippine Islands but not including the Canal Zone), or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession (including the Philippine Islands but not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

(3) The term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

(4) The term "manufacturer" means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellant powder for purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this Act.

(5) The term "dealer" means any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breach¹ mechanisms to firearms, and the term "licensed dealer" means any such person licensed under the provisions of this Act.

(6) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(7) The term "fugitive from justice" means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(8) The term "ammunition" shall include all pistol or revolver ammunition except .22-caliber rim-fire ammunition.

SEC. 2. (a) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this Act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(b) It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of subdivision (a) of this section, knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of subdivision (a) of this section.

(c) It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a license be obtained for the purchase of such firearm, unless such license is exhibited to such manufacturer or dealer by the prospective purchaser.

(d) It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions (including the Philippine Islands), or the District of Columbia of a crime of violence or is a fugitive¹ from justice.

Shipment to person under indictment, etc.

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive¹ from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

Shipment by person under indictment, etc.

(f) It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive¹ from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of this Act.

Receipt by person convicted of crime of violence, etc.

(g) It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition, knowing, or having reasonable cause to believe, same to have been stolen.

Transportation of stolen firearms, etc.

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

Traffic in stolen firearms.

(i) It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this Act.

Transportation of firearms from which serial number has been removed.

SEC. 3. (a) Any manufacturer or dealer desiring a license to transport, ship, or receive firearms or ammunition in interstate or foreign commerce shall make application to the Secretary of the Treasury, who shall prescribe by rules and regulations the information to be contained in such application. The applicant shall, if a manufacturer, pay a fee of \$25 per annum and, if a dealer, shall pay a fee of \$1 per annum.

Licenses, application, fee.

(b) Upon payment of the prescribed fee, the Secretary of the Treasury shall issue to such applicant a license which shall entitle the licensee to transport, ship, and receive firearms and ammunition in interstate and foreign commerce unless and until the license is suspended or revoked in accordance with the provisions of this Act: *Provided*, That no license shall be issued to any applicant within two years after the revocation of a previous license.

Issuance.

(c) Whenever any licensee is convicted of a violation of any of the provisions of this Act, it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within forty-eight hours after such conviction and said Secretary shall revoke such license: *Provided*, That in the case of appeal from such conviction the licensee may furnish a bond in the amount of \$1,000, and upon receipt of such bond acceptable to the Secretary of the Treasury he may permit the licensee to continue business during the period of the appeal, or should the licensee refuse or neglect to furnish such bond, the Secre-

Proviso.
Issuance after revocation.

Revocation on conviction of licensee.

Proviso.
Temporary continuation; bond.

¹ So in original.

Dealers' records.

tary of the Treasury shall suspend such license until he is notified by the clerk of the court of last appeal as to the final disposition of the case.

Exemptions.

(d) Licensed dealers shall maintain such permanent records of importation, shipment, and other disposal of firearms and ammunition as the Secretary of the Treasury shall prescribe.

Federal, State governments, agencies, etc.

SEC. 4. The provisions of this Act shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of, (1) the United States or any department, independent establishment, or agency thereof; (2) any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof; (4) or to any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables; (5) or to any research laboratory designated by the Secretary of the Treasury: *Provided*, That such bank, public carriers, express, and armored-truck companies are granted exemption by the Secretary of the Treasury; nor to the transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces: *Provided*, That nothing herein contained shall be construed to prevent shipments of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of War, nor to prevent the transportation of such firearms and ammunition so delivered by their lawful possessors while they are engaged in military training or in competitions.

Banks, carriers, etc.

Research laboratories.

Promise.

Exemptions granted by Secretary of Treasury.

Antiques, curios, etc.

Shipments to designated institutions or persons.

Military training, etc.

Penalty provisions.

SEC. 5. Any person violating any of the provisions of this Act or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this Act, knowing such statement to be false, shall, upon conviction thereof, be fined not more than \$2,000, or imprisoned for not more than five years, or both.

SEC. 6. This Act shall take effect thirty days after its enactment.

SEC. 7. The Secretary of the Treasury may prescribe such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 8. Should any section or subsection of this Act be declared unconstitutional, the remaining portion of the Act shall remain in full force and effect.

SEC. 9. This Act may be cited as the Federal Firearms Act.

Approved, June 30, 1938.

[CHAPTER 851]

AN ACT

June 30, 1938
[S. 1131]
[Public, No. 786]

To amend the part of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves.

Naval petroleum reserves.
41 Stat. 813.
34 U. S. C. § 524.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the part of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920 (41 Stat. 813), relating to the conservation, care, custody, protection, and operation of the naval petroleum and

Exhibit C
*(Declaration and Expert Witness Robert
Gordon's Report)*

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

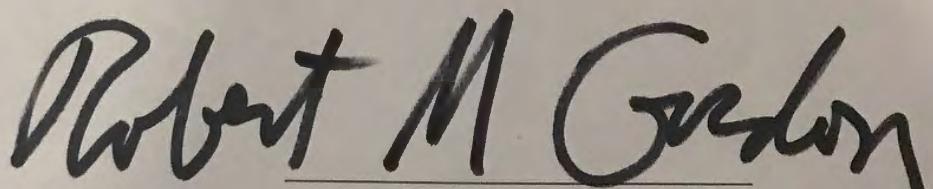
EDWARD A. WILLIAMS	:	
Plaintiff	:	Civil Action No. 17-CV-2641
 v.	:	Honorable Robert F. Kelly
 JEFFERSON B. SESSIONS III, <i>et al.</i>	:	
 Defendants	:	

DECLARATION OF ROBERT M. GORDON, Ph.D., ABPP

I, Robert M. Gordon, Ph.D., ABPP, am competent to state and declare that I drafted the expert report that has been submitted in this matter as Exhibit J to Plaintiff's Second Motion for Summary Judgment and that, pursuant to the penalty of perjury, everything in that report is true and correct to the best of my information, knowledge and belief.

I further declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge and belief.

DATED: November 14, 2018



Robert M. Gordon

Robert Gordon, Ph.D., ABPP

Robert M. Gordon, Ph.D., ABPP
Board Certified in Clinical Psychology and in Psychoanalysis
Clinical and Forensic Psychology
1259 South Cedar Crest Boulevard, Suite #325
Allentown, Pennsylvania 18103-6261
610.417.0501
rmgordonphd@gmail.com www.mmpi-info.com

Psychological Evaluation
(Confidential)

Name: Edward A. Williams

Age: 50

Psychologist: Robert M. Gordon, Ph.D. ABPP

Place of Examination: Office of RMG

Date of Examination: August 7, 2018

Report Date: 9/10/18

Referral Issue: This assessment is to determine if Mr. Williams is fit to be allowed to own, possess, carry, and use a firearm without risk to him or any other person.

Procedures:

- Document Review
- Forensic History Form
- Brief Psychiatric Rating Scale
- Montreal Cognitive Assessment (MOCA)
- Minnesota Multiphasic Personality Inventory -2 (MMPI-2);
- Violence Risk Appraisal Guide- Revised (VRAG-R)
- Psychopathic Check List- Revised (PCL-R)
- Psychodiagnostic Chart (PDC-2)

Informed Consent and Confidentiality waiver:

The examiner reviewed the meaning of the Informed Consent and Confidentiality waiver. Mr. Williams read it and signed it.

Documents Reviewed in Forming My Opinion

1. FBI Investigation Report on Mr. Williams 2018/02/27:

1- Arrest Date 2001-11-22

Charge Literal DUI OF ALCOHOL OR CONTRL SUBST

Charge Description

Statute DUI OF ALCOHOL OR CONTRL SUBST (VC3731
Pennsylvania)

Severity MISDEMEANOR 2

Disposition (Dismissed 2003-03-07; QUASHED/ DISMISSED/ DEMURRER SUSTAINED)

2- Final Disposition Date 2004-09-07

Charge Literal DUI OF ALCOHOL OR CONTRL SUBST
Charge Description
Statute DUI OF ALCOHOL OR CONTRL SUBST (VC3802
Pennsylvania)
State Offense Code VC3802
Counts 1
Severity
Inchoate Charge
Disposition (Convicted 2006-06-15; FOUND GUILTY/ COUNTY
PRISON/ 90 DYS - 002 YRS)

2. Compressed Transcript of the Testimony of EDWARD A. WILLIAMS, 5/8/18:

“Page 9

Q. How many people have you been

2 married to?

3 A. One.

4 Q. Are you currently married to that

5 person?

6 A. Yes.

7 Q. Who is that person?

8 A. Kimberly Williams.

9 Q. When did you get married to

10 Kimberly Williams?

11 A. 1993.

12 Q. You said you're currently married;

13 right?

14 A. Yes.

15 Q. Do you have any children?

16 A. One child.

17 Q. How old is your kid?

18 A. 13.

19 Q. What's your kid's name?

20 A. Nia, N-I-A.

21 Q. Does Nia live with you?

22 A. Yes.

23 Q. Let's dig into your employment

24 history a little bit more just to make sure I

25 have a clear understanding. Let's start from

Page 10

1 as far back as we can go.

2 Do you recall what your

3 first employment position was?

4 A. At the age of 14?

5 Q. Sure. Let's go for it. This is

6 going to be a long trip down memory lane, but I

7 assure you it should be fun.

8 A. McDonald's in high school.

9 Q. How about after that?

10 A. It would be in college then. It was

11 a diner and a Wendy's.

12 Q. How about after those?

13 A. Then I moved here to Philadelphia
14 and I've been with The Vann Organization ever
15 since.

16 Q. Where did you move to Philadelphia
17 from?

18 A. State college.

19 Q. From college?

20 A. Yes.

21 Q. Were you originally from
22 Philadelphia?

23 A. New York.

24 Q. So whenever you moved to
25 Philadelphia from State College, you started
Page 11

1 working at The Vann Organization; right?

2 A. Yes.

3 Q. What year was that?

4 A. 1992.

5 Q. I understand you have an assortment
6 of positions with The Van Organization, but how
7 has that changed over time since you've worked
8 for them in 1992?

9 A. Just expanded the roles. Taking on
10 more projects that are different
11 responsibilities. I started out as an
12 inspector and then I would be considered a
13 senior construction manager.

14 Q. Did you have any other titles in
15 between those titles, inspector and senior
16 construction manager?

17 A. Consultant basically.

18 Q. How about any other employment
19 since 1992?

20 A. I worked part-time at a firing
21 range and pistol shop..."

"Page 17

7 Q. When did you learn Mr. Williams
8 that you could not own a gun?

9 A. 2014.

10 Q. Do you recall what it was that
11 caused you to learn that?

12 A. I had applied for my license to
13 carry and I got denied. I hired an attorney who
14 wrote some letters for me and the Pennsylvania
15 State Police finally confirmed the decision
16 that I couldn't hold, according to the state
17 laws, hired Joshua Prince and his firm, and
18 after checking, they determined that I
19 shouldn't have anything in my possession..."

"Page 18

19 Q. Was your license to carry revoked
20 during your first DUI in 2001 or the 2004 DUI?
21 A. 2004.”

“Page 21-22

Q. Me too.

14 Do you have any pending or
15 outstanding criminal charges in any other
16 state?

17 A. No.

18 Q. Do you have any pending or criminal
19 charges in Pennsylvania?

20 A. No.

21 Q. Do you use or are you addicted to
22 any controlled substance alcohol other than
23 alcohol or tobacco?

24 A. No.

25 Q. Have you ever used any elicit

Page 22

1 drugs?

2 A. No.

3 Q. Have you ever used prescription
4 medications, but for a nonmedical purpose?

5 A. No.

6 Q. Do you know whether you're using
7 any controlled substances today?

8 A. No, I'm not.”

“Page 23

12 Q. Have you ever had a restraining
13 order against you?

14 A. No.

15 Q. Have you ever been charged with any
16 crime with respect to domestic violence?

17 A. No.

18 Q. Have you ever been investigated for
19 engaging in domestic violence at all?

20 A. No.”

“Page 24-25

17 Q. Have you ever been arrested for
18 anything else?

19 A. A retail theft.

20 Q. When was that?

21 A. In the '90s. '89 or '90.

22 Q. How were those charges ultimately
23 handled?

24 A. I had to pay a fine.

25 Q. Were you found guilty of the retail
1 theft?

2 A. I pleaded guilty and paid the fine.

3 Q. Do you recall where that was
4 located?

5 A. That was in State College.

6 Q. Can you tell me about what happened
7 that caused you to get charged with retail
8 theft?

9 A. Dumb I guess fraternity stuff that
10 I never ended completely pledging, given a
11 bunch of tasks and I chose the wrong task.

12 Q. More trouble than it's worth?

13 A. Yes. It was a \$2.00 thing of some
14 type of hair gel.

15 Q. Did you serve any time for the
16 retail theft?

17 A. No.

18 Q. Have you ever been arrested for any
19 other offense?

20 A. No."

"Page 31

Q. We'll take a look at those later
5 then too.

6 Do you recall what
7 punishment you received for the 2004 DUI?

8 A. Yes, probation, the fines, maybe a
9 year suspension on my driver's license.

10 Q. How about the house arrest?

11 A. Yes, house arrest.

12 Q. Do you recall why you ended up
13 getting house arrest?

14 A. I believe it had something to do
15 with some of my medical history. The things I
16 was going through back then.

17 Q. Do you recall how many days of
18 house arrest it was?

19 A. It was 90."

"Page 33

16 Mr. Williams, have you ever
17 seen a mental health professional?

18 A. No.

19 Q. Have you ever been treated for
20 alcohol or substance abuse?

21 A. No.

22 Q. During this 2001 to 2004 time
23 period, were you having trouble with alcoholism
24 at all?
25 A. No."

"Page 34-36

Q. So starting in 2001 through this

13 2004/2005 time frame, was your usage of alcohol
14 different than it is today?

15 A. Yes.

16 Q. How different was it?

17 A. Then it was social drinker or

18 occasionally.

19 Q. This is from 2001 to 2005?

20 A. Yes.

21 Q. How did that change in 2005?

22 A. Decided to stop. My daughter is

23 now here, and didn't want to run the risk of

24 having another DUI worse than hurting myself or

25 killing myself or somebody else. It got to a

Page 35

1 point where I decided to do other things

2 besides happening out at the bars.

3 Q. It sounds like you still I think

4 you mentioned you still have an occasional

5 drink here and there. Did that start at a

6 particular period of time or did that start in

7 2005 and continue through today?

8 A. No. That might have started a

9 little while later. I decided to get a bottle

10 of champagne for New Year's. If I visit family

11 in North Carolina, like I said, recently there

12 was a death in the family and I hadn't seen a

13 bunch of cousins. We all got together and had a

14 couple of drinks at the house.

15 Q. Outside of those particular

16 circumstances between 2005 and today, has there

17 ever been a time where you've had more alcohol

18 to drink than that?

19 A. No.

20 Q. Have you ever driven under the

21 influence of alcohol since 2005?

22 A. No.

23 Q. Have you ever been pulled over for

24 being under the influence of alcohol since

25 2005?

Page 36

1 A. No.

2 Q. Have you ever driven under the

3 influence of alcohol any other time other than

4 the 2001 and 2004 occasions we've talked about?

5 A. No.

6 Q. Have you ever used your firearms

7 while under the influence of alcohol?

8 A. No.

9 Q. Have you ever gotten into a

10 physical altercation with anyone?

11 A. No.

12 Q. Never punched anybody before?
13 A. In high school.
14 Q. After high school?
15 A. No. My last fight was in high
16 school.
17 Q. Ever had any criminal issues with
18 respect to your use of firearms?
19 A. No."

3. Exhibit List to Petitioners' Motion for Summary Judgment

Exhibit A: Pennsylvania State Police Background Check

Exhibit B: Certified Sentencing Order *Commonwealth v. Edward Williams*

4. Dr. Daniel William Webster CV

5. Expert Report of Daniel Webster, ScD July 11, 2018

"In a seminal study using data on over 7,000 individuals from the National Institute of Mental Health's Epidemiologic Catchment Area Surveys in Durham, NC and Los Angeles, CA, Dr. Jeffrey Swanson examined the association between the onset of mental illnesses and alcohol abuse disorders and risks for subsequent violence.^{xxii} The one-year prevalence of committing acts of violence was 15 to 24 percent for those with alcohol abuse disorder alone and 20 to 24 percent among those who abused alcohol and had a major mental illness... Swanson and colleagues used NCS-R data to examine the relationship between the confluence of firearm access and impulsive angry behavior in relation to abuse of alcohol or illicit drugs.^{xxiii} The impulsive behaviors captured in the study included survey respondents' affirmative responses to one or more of the statements: "I have tantrums or angry outbursts," "Sometimes I get so angry that I break or smash things," and "I lose my temper and get into physical fights." Approximately 1.5% of the study sample exhibited one or more of these angry and impulsive behaviors and also either carried a firearm outside the home or keeping firearms in the home. Persons with substance abuse disorders were 2.4 times more likely to have explosive anger and carry a firearm outside the home and 2.7 times more likely to have explosive anger and keep a firearm in the home..."

While Dr. Webster presents some valid correlational research on groupings of individuals, it has a relatively small predictive value in generalizing to groups and does not predict the effect of two DUI's from 14-18 years ago, especially where the individual has no history of aggression. As Dr. Webster did not assess Mr. Williams, these generalizations are not relevant to this particular case, as any applicability would require an independent evaluation of the particular person. As set forth in this forensic report, I have assessed Mr. Williams, after reviewing all of the documents, performing a battery of tests and reviewing the results of the test and conclude, to a reasonable degree of psychological certainty, that the research relied upon by Dr. Webster is not applicable to Mr. Williams.

Furthermore, Dr. Webster's report has several additional deficiencies and erroneous conclusions as it relates to Mr. Williams. Those include:

1. The report is premised on individuals who suffer from alcohol or abuse issues; however, there is no evidence of record that Mr. Williams currently suffers from any alcohol abuse or dependency issues and Dr. Webster does not contend – nor could he in the absence of performing a battery of tests on Mr. Williams – that Mr. Williams has an alcohol abuse or dependency issue.
2. The report contends that there exists a statistical significance in relation to the reduction of future

violent crime when *those previously convicted of a violent crime* were barred from purchasing a handgun; however, there is no evidence of record that Mr. Williams was ever even charged with, let alone convicted of, a violent crime.

3. The report contends that only 54% of repeat DUI offenders have alcohol dependency issues, leaving 46% without a dependency issue.
4. The report fails to support a finding that alcohol-impairment and alcohol abuse are causal to unintentional firearm injuries or deaths, as it acknowledges a lack of data supporting that contention.
5. The report contends that individuals *previously convicted of a misdemeanor crime of violence* are more likely to commit a violent crime in the future and then attempts to opine that the prohibitions against individuals, like Mr. Williams, prove a public safety benefit, even though Mr. Williams has never been convicted of a crime of violence. Further, one study relied upon by Dr. Webster reflected that “[t]here was no difference between the two groups in their rate of committing nonviolent crimes, suggesting that the difference observed in crimes involving firearms and/or violence...[was] more likely due to violent misdemeanants being prohibited and denied from purchasing a handgun.”
6. The report fails to show any link between preventing individuals convicted of a single DUI, such as Mr. Williams, and “preventing armed mayhem” as required by *Binderup v. U.S. Attorney General*, 836 F.3d 336, 353 (3d Cir. 2016)(*en banc*).

6. Complaint:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD A. WILLIAMS	:	
Plaintiff	:	
	:	
v.	:	Civil Action No. _____
	:	
JEFF SESSIONS,	:	
Attorney General of the United	:	
States	:	
	:	
THOMAS E. BRANDON,	:	
Acting Director, Bureau of Alcohol,	:	
Tobacco, Firearms, and Explosives	:	
	:	
JAMES B. COMEY,	:	Complaint – Civil Rights
Director of the Federal Bureau of	:	
Investigation	:	
	:	
UNITED STATES OF	:	
AMERICA,	:	
Defendants	:	

“c. Is not under indictment;
d. Has never been convicted of a felony or misdemeanor crime of domestic violence;
e. Has only once been convicted of a crime punishable by more than one (1) year;
f. Is not a fugitive from justice;
g. Is not an unlawful user of, or addicted to, any controlled substance;
h. Has not been adjudicated a mental defective or been committed to a mental institution;
i. Has not been discharged from the Armed Forces under dishonorable conditions;
j. Has never renounced his citizenship; and,
k. Is not the subject of a restraining order relating to an intimate partner...”

21. As reflected on Mr. Williams’s background check, his 2004 DUI is his only criminal conviction. Id.

22. As a result of his conviction, Mr. Williams was placed under house arrest with electronic monitoring for 90 days and ordered to pay costs, a fine of \$1,500.00, and complete any recommended drug and alcohol treatment...”

7. Declaration of Edward A. Williams 13-10-17, 5-8-18 (Doc. 9-5 and Deposition Exhibit Williams-3)

8. Court and Police Records

These include the court and police records relating to Mr. Williams, as well as, the convictions and grants of federal firearms relief of John Kraszewski, 57 Fed. Reg. 6160-02, Kim Blake, 54 Fed. Reg. 33108-02, and Barry Shoop 42 Fed. Reg. 21156.

Behavioral Observations

Mr. Williams came early for his assessment. He was pleasant and cooperative. He was well oriented and performed with consistent effort.

Forensic Interview

Mr. Williams stated that that he was born in Manhattan N.Y. and was raised in the Bronx by his mother. He said that he always enjoyed a wonderful relationship with his mother. His parents divorced when he was 9 years old. He has not been close with his father. His mother remarried while he was in college. Neither of his parents had mental health, substance abuse or a criminal history. His mother went to college and is an RN. His father graduated High School. Mr. Williams is the oldest. He has a half brother and a half sister. His younger brother spent jail time for bank robbery. Mr. Williams reports no childhood traumas. He liked school and got straight A’s. He was 13 credits short graduating college when he was offered a job he has since been at for 25 years. He reports no treatment for mental health issues. He reports a kidney disease for which he must have regular dialysis. Married for 23 years, one child. No domestic abuse issues. Arrested in about 1988 or 1989 when he was about 19. His college fraternity told him to get some

things and he stole some hair gel valued about \$3.00 and was caught. He paid a fine. He got a DUI in 2000 at Penn State University visiting friends, and once more in Philadelphia in 2004. He rarely drinks alcoholic beverages since 2005. He is a certified NRA safety instructor since 1996.

Test Results

- **Minnesota Multiphasic Personality Inventory -2 (MMPI-2);**

The MMPI-2 instrument is the most widely used and widely researched test of adult psychopathology (Ackerman, *et al.*, 1997; Archer, *et al.*, 2006; Gordon, 2002; Hagen, 2001).

Mr. Williams' validity scales indicated that he took the MMPI-2 honestly with no attempts at biased responding (Lie = T39, F= T55, K= T47; where T45-55 is normal, and >T65 is High). The MMPI-2 clinical scales are all within normal limits. The MMPI-2 MacAndrews Addiction Proneness scale is T50, an average score. The MMPI-2 indicates no problems with aggression, good judgment, good impulse control, good reality testing and no addiction problems.

- **The Brief Psychiatric Rating Scale (BPRS)- expanded version;**

The BPRS is a well-researched screen for psychotic disorders (Overall, *et al.* 1988; Ventura, *et al.* 2000).

Mr. Williams indicated that he had no current psychiatric symptoms. He is functioning at the healthy level.

- **Montreal Cognitive Assessment Test;**

The Montreal Cognitive Assessment (MoCA) was designed as a screening instrument for cognitive dysfunction. It assesses different cognitive domains: attention and concentration, executive functions, memory, language, visuoconstructional skills, conceptual thinking, calculations, and orientation. The total possible score is 30 points; a score of 26 or above is considered normal (Zahinoor, *et al.*, 2010).

Mr. Williams scored 30/30 a perfect score indicating no psychoneurological impairment.

- **Violence Risk Appraisal Guide-R (VRAG-R);**

This instrument contains a 12-item actuarial scale, which has been widely used to predict risk of violence within a specific time frame following release in violent, mentally disordered offenders. Developed at Penetanguishene Mental Health Centre, the tool uses the clinical record, particularly the psycho-social history component, as a basis for scoring as opposed to interview or questionnaires. The Hare PCL-R (Psychopathy Checklist -Revised) score is incorporated into the VRAG calculations of risk (Quinsey, *et al.* 1998). The VRAG-R combines the VRAG and SORAG. The authors wrote "we suggest users can adopt the VRAG-R with considerable confidence that its predictive performance will at least match that of the original VRAG/SORAG system which has yielded large predictive effects for violent recidivism." (Harris, Rice, Quinsey, & Cormier, 2015; Rice, Harris, & Lang, 2013)

Mr. Williams scored -25, which is a very low risk of violently acting out (A 9.6% probability of recidivism assuming he was convicted of a violent crime. Thus this measure assumes the worst and Mr. Williams still scored very low.) .

- **Hare Revised Psychopathy Checklist (PCL-R);**

The PCL-R is a 20-item symptom-construct rating scale designed to assess psychopathy. It is an expert-rated tool. The total score reflects the degree to which the individual matches the prototypical psychopath. The highest possible score is 40. Scores 30+ are considered indicative of psychopathy (Hare, *et al.*, 1990).

Mr. Williams scored 0/40, which indicates no psychopathic indication.

- **Psychodiagnostic Chart (PDC-2),** (Gordon and Bornstein, 2012; Gordon and Stoffey, 2014, Gordon and Bornstein, 2017). The PDC is a psychodiagnostic chart to help assess personality organization, personality disorders, mental functions and symptoms.

Healthy Personality- characterized by mostly 9-10 scores, life problems rarely get out of hand and enough flexibility to accommodate to challenging realities.

Neurotic Level- characterized by mainly 6-8 scores, basically a good sense of identity, good reality testing, mostly good intimacies, fair resiliency, fair affect tolerance and regulation, rigidity and limited range of defenses and coping mechanisms, favors defenses such as repression, reaction formation, rationalization, displacement, and undoing.

Borderline Level- characterized by mainly 3-5 scores, recurrent relational problems, difficulty with affect tolerance and regulation, poor impulse control, poor sense of identity, poor resiliency, favors defenses such as splitting, projective identification, idealization/devaluation, denial, and acting out.

Psychotic Level- characterized by mainly 1-2 scores, delusional thinking, poor reality testing and mood regulation, extreme difficulty functioning in work and relationships favors defenses such as delusional projection, psychotic denial, and psychotic distortion.

Overall Personality Organization = 7

Overall Diagnosis: Normal Personality

Summary

Mr. Williams had two DUIs, one in 2000 and another in 2004. The last incident was 14 years ago. There is no predictive value in these events for future behaviors. Mr. Williams has no history of hostile or violent behaviors. He has no continuing pattern of aggressive behaviors, which could be a predictive factor. The studies Dr. Webster cites are based on selected samples that are not necessarily generalizable and are of relatively low correlations. Although the research cited by Dr. Webster sheds light on some predictive factors, the prediction rate is low and cannot be applied to individual cases, including Mr. Williams' case. Dr. Webster is not a psychologist and did not perform a psychological assessment of Mr. Williams' mental status, psycho-neurological assessment, defenses, psychopathology, addiction proneness or behaviors, aggression, judgment or the potential for Mr. Williams to act out. Therefore, his report has no value for this particular case, in the absence of an independent evaluation of Mr. Williams, as I performed.

My psychological assessment of Mr. Williams using a standard psychological battery of tests indicates that he has a normal personality, without psychopathology and without addiction or

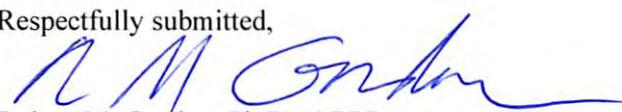
violent tendencies. Accordingly, the research relied upon by Dr. Webster is not applicable to Mr. Williams.

Recommendations

I recommend that Mr. Williams be allowed to own, possess, carry, and use a firearm. Mr. Williams may possess a firearm without risk to himself or any other person.

I make all of these conclusions to a reasonable degree of psychological certainty.

Respectfully submitted,



Robert M. Gordon, Ph.D., ABPP

CV can be viewed at www.mmpi-info.com

Fed.R.Civ.P. 26(a)(2)(B)(iv) Statement

EDUCATION

Ph.D., Psychology, Temple University, Philadelphia, PA 1975
B.A., Psychology, Temple University, Philadelphia, PA 1970

PROFESSIONAL ASSOCIATIONS

American Psychological Association- Fellow

Elected to the Governing Council of the American Psychological Assoc.
1992 -1995 and again in 2001 - 2003 representing Pennsylvanian psychologists

Fellow and charter member of Division of Psychoanalysis (39), member of sections:

- I. Psychologist-Psychoanalyst Practitioners
- VI. Psychoanalytic Research Society
- VII. Psychoanalysis and Groups
- VIII. Couple and Family Therapy and Psychoanalysis

American Psychology-Law Society of the American Psychological Association

President - Pennsylvania Psychological Association, 1990–1991;
Pennsylvania Psychological Foundation Board, 1991-2003, 2006-2010;
President of the Clinical Division, 1987;
Charter Member of the Colleague Assistance Committee since 1992

President 1980 - 1981 - Lehigh Valley Psychological Association;
Chair of the Ethics Committee, 1983-1986

Philadelphia Society for Psychoanalytic Psychology, Charter member since 1982

Fellow of the Academy of Clinical Psychology (AClinP) of the American Board of Professional Psychology since 1991

Fellow of the Academy of Psychoanalysis of the American Board of Professional Psychology since 2006

American Psychoanalytic Association Research Associate- charter member

Psychodynamic Psychoanalytic Research Society- charter member

Society for Personality Assessment

Tampa Bay Psychoanalytic Society

CREDENTIALS and AWARDS

Pennsylvania Psychology License since 1976

Distinguished Service Award from the Pennsylvania Psychological Association 2001

Certificate of Professional Qualification in Psychology by the Association of State and Provincial Psychology Boards since 2002, #3655

Diplomate of the American Board of Professional Psychology in Clinical Psychology; #3414, since 1982

Diplomate of the American Board of Professional Psychology in Psychoanalysis, #6211, since 2006

National Register of Health Service Providers in Psychology since 1979-2010

American Association for Marriage and Family Therapy since 1976, and Approved Supervisor 1981-2007

An American Psychological Association Approved Sponsor of Continuing Education to Psychologists 1985-2011 (The first in east-central Pennsylvania).

Honorary Membership presented by the American Psychoanalytic Association- 2015

Honorary Editor for Forensic Research & Criminology International Journal- 2015

Honorary Member of the Psychoanalytic Center of Philadelphia- elected 2016

PRACTICE

Independent practice specializing in forensic psychology, psychoanalysis, psychodynamic psychotherapy, assessment, teaching and research.

Forensic Psychologist Consultant to the Lehigh County Public Defender's Office since 2010.

Psychodynamic Diagnostic Manual 2 (PDM2) Section co-editor on assessment tools 2014-2016.

TEACHING and RESEARCH POSITIONS and WORKSHOPS

Academic appointments at: Lehigh University, Temple University, Yeshiva University, and Widener University. Topics include personality assessment, forensic psychology, research, ethics, MMPI-2, Psychodynamic Diagnostic Manual (PDM and PDM2), philosophy of science and methodology, teaching psychodynamic theory and psychodynamic psychotherapy.

Clinical and Forensic Assessment Practicum Supervisor for Chestnut Hill College Doctoral students since 2010.

Presented and led workshops nationally and internationally (ex.: Albania, Belgium, Canada, China, Germany, France, Israel, Italy, Netherlands, Russia, Switzerland, etc.) since 1982 (ex.: International Psychoanalytic Assoc., American Psychoanalytic Assoc., American Psychological Assoc., Society for Personality Assessment, etc.) in: MMPI-2 interpretation, forensic psychology, psychological diagnostic taxonomies, the PDM and PDM2, psychodynamic research, psychoanalysis- theory and technique, couples, family and group therapy, ethics and psychology, and the psychology of love relations. Led yearly ethics workshops for the Penna. Psychological Foundation for 17 years.

China American Psychoanalytic Alliance (CAPA)- instructor of Adult Psychodynamic Psychotherapy and the writings of Sigmund Freud to Chinese professionals via VCON, since 2012.

Chair of Research and Scholarship Grants of the China American Psychoanalytic Alliance 2017.

China American Psychoanalytic Alliance (CAPA)- Board of Directors 2017.

Visiting Professor of Psychology teaching forensic and clinical psychology to masters and doctoral students at Albanian University via VACON 2014.

FILMS

39 Scuds (1991). A 30-minute documentary I made about the psychological effects of the potential gas poisoning of civilians in Israel during the Persian Gulf War.

Balance and Integration in Psychoanalytic Group Therapy (2006). Produced by Video Diamond, LLC; a workshop I lead on psychoanalytic group therapy.

TEDx Talk “The Power of Apology” September, 2014

REVIEWER FOR JOURNALS

such as: Journal of Consulting and Clinical Psychology and Psychoanalytic Psychology

PUBLICATIONS - Last 10 years

Gordon, R.M. & Bornstein, R.F. (2018). Construct Validity of the Psychodiagnostic Chart: A Transdiagnostic Measure of Personality Organization, Personality Syndromes, Mental Functioning, and Symptomatology. *Psychoanalytic Psychology*, 35(2),280-288. <http://dx.doi.org/10.1037/pap0000142>

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Waldron, S., Gordon, R.M., & Gazzillo, F. (2017). Chapter 15 Assessment within the PDM-2 Framework, Lingiardi, V. & McWilliams, N. (Eds), *Psychodynamic Diagnostic Manual, Version 2 (PDM-2)*. New York: Guilford Press.

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Gordon, R.M., Gazzillo, F., Blake, A., Bornstein, R.F., Etzi, J., Lingiardi, V., McWilliams, N., Rothery, C. and Tasso, A.F. (2016) The Relationship Between Theoretical Orientation and Countertransference Awareness: Implications for Ethical Dilemmas and Risk Management, *Clinical Psychology & Psychotherapy*, 23, 3, 236-245; (online published 2015, DOI: 10.1002/cpp.1951)

Gordon, R.M. & Bornstein, R.F. (2015). The Psychodiagnostics Chart-2 v.8.1 (PDC-2),
DOI: 10.13140/RG.2.1.4147.4647

Ibrahimi, S., & Gordon, R.M. (2015). Post-Traumatic Identity within Social Contexts. *Balkan Journal of Interdisciplinary Research Vol 1, No 1*, 47-51. ISSN 2410-759X, Access online at www.iipccr.org

Ibrahimi, S., Dervishi, E., and Gordon, R.M. (2015). Traumatic behavior deviance of individual within social contexts. *European Psychiatric Congress*, Vienna Austria.

Spektor, V., Luu, L. & Gordon, R.M. (2015) The Relationship between Theoretical Orientation and Accuracy of Countertransference Expectations, *Journal of the American Psychoanalytic Association*, 63(4), NP28-NP32.

Gordon, R.M., Wang, X. and Tune, J. (2015). Comparing Psychodynamic Teaching, Supervision and Psychotherapy Over Video-Conferencing Technology with Chinese Students. *Psychodynamic Psychiatry*, 43 (4), 585-599.

Huprich, S., Lingiardi, V., McWilliams, N., Bornstein, R., Gazzillo, F., and Gordon, R.M., (2015). The *Psychodynamic Diagnostic Manual (PDM)* and the *PDM-2*: Opportunities to Significantly Affect the Profession. *Psychoanalytic Inquiry*, 35: 60-73.

Lingiardi, V., McWilliams, N., Bornstein, R.F., Gazzillo, F. and Gordon, R.M. (2015) The Psychodynamic Diagnostic Manual Version 2 (PDM-2): Assessing Patients for Improved Clinical Practice and Research, *Psychoanalytic Psychology*, 32(1), 94-115. <http://dx.doi.org/10.1037/a0038546>

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Gordon, R.M. and Cosgrove, L., (2013) Ethical Considerations in the Development and Application of Mental and Behavioral Nosologies: Lessons from DSM5, *Psychological Injury and Law*, 6,4, 330-335, DOI 10.1007/s12207-013-9172-9.

Gordon, R.M. and Stoffey, R.W. and Perkins, B.L. (2013) Comparing the Sensitivity of the MMPI-2 Clinical Scales and the MMPI-RC Scales to Clients Rated as Psychotic, Borderline or Neurotic on the Psychodiagnostic Chart, *Psychology: Special issue on Criminal Investigative Psychology*, 4, 9A, 12-16. doi: 10.4236/psych.2013.49A1003.

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Bornstein, R. F. and Gordon, R. M. (2012). What Do Practitioners Want in a Diagnostic Taxonomy? Comparing the PDM with DSM and ICD. *Division/Review: A Quarterly Psychoanalytic Forum*, Fall, 6, 35.

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Gordon, R.M., Hoffman, L., and Tjeltveit, A. (2010). Religion and Psychotherapy: Ethical Conflicts and Confluence, *Pennsylvania Psychologist*, 70, 9, 3-4.

Gordon, R.M. (2010). The Scientific Renaissance of Psychodynamic Therapy (PDT), *Pennsylvania Psychologist Quarterly*, March, 70,3, 22-23.

Gordon, R.M. (2010). The Psychodynamic Diagnostic Manual (PDM). In I. Weiner and E. Craighead, (Eds.) *Corsini's Encyclopedia of Psychology* (4th ed., volume 3, 1312-1315), Hoboken, NJ: John Wiley and Sons.

Gordon, R.M. (2009). Money, Masochism, Narcissism and Indifference, *Pennsylvania Psychologist Quarterly*, 69, 8, 10 and 14.

Gordon, R.M. (2009). The Psychodiagnostic Report for Treatment Recommendations. *The Pennsylvania Psychologist Quarterly*, 69, 3, 17-18.

Gordon, R.M. (2009). Reactions to the Psychodynamic Diagnostic Manual (PDM) by Psychodynamic, CBT and Other Non- Psychodynamic Psychologists. *Issues in Psychoanalytic Psychology*, 31, 1, 55-62.

Gordon, R.M. (2008). Addendum To MMPI/MMPI-2 Changes In Long Term Psychoanalytic Psychotherapy. *Issues in Psychoanalytic Psychology, Issues In Psychoanalytic Psychology* Vol. 30, No. 2, p.159.

Gordon, R.M. (2008). *An Expert Look at Love, Intimacy and Personal Growth*. Second Edition, IAPT Press, Allentown, Pa.

Gordon, R.M. (2008). Early reactions to the PDM by Psychodynamic, CBT and Other psychologists. *Psychologist-Psychoanalyst*, XXVI, 1, Winter, p.13.

Gordon, R. M. (2008). *I Love You Madly! On Passion, Personality and Personal Growth*. Second Edition, IAPT Press, Allentown, Pa.

Gordon, R. M. (2008). The Two-Minute Check-in at the Beginning of Psychoanalytic Group Therapy Sessions. *Group Analysis*, 41 (4), 366-372.

Gordon, R.M. and Bottinelli, J. (2008), Ethics and the Difficult Patient: The Psychopath in Film and in Your Office. *The Pennsylvania Psychologist, July/August Issue*, p.10.

Gordon, R. M., Stoffey, R., & Bottinelli, J. (2008). MMPI-2 findings of primitive defenses in alienating parents. *American Journal of Family Therapy*, 36 (3): 211-228.

Fed.R.Civ.P. 26(a)(2)(B)(v) Statement

Nature of Practice

Since my license to practice psychology in 1976, I have specialized in clinical and forensic psychodiagnostic assessment (along with psychotherapy, research and teaching).

My forensic practice is general in nature, that is, not limiting myself to any particular civil or criminal area or to defense or plaintiff work. The only exception is that since 2010, I work as Lehigh County Public Defender Office's forensic psychologist. About 30% of my professional work is in forensic psychology.

My general forensic assessment practice has included assessments for:

- IMEs and psychological record reviews
- Criminal responsibility
- Mental state
- Competency to stand trial
- Capital mitigation evaluations
- Juvenile matters and transfer evaluations
- Sentencing evaluations
- Malingering and deception
- Testamentary capacity
- PTSD
- Personal injury and emotional distress claims
- Malpractice — plaintiff and defense
- Sexual offender evaluations
- Risk assessment
- Family law: custody, parental competence, parental alienation, adoption
- Employment issues: fitness for duty, discrimination, harassment, wrongful termination.

Expert Testimony at Trial or by Deposition

2018

None

2017

Fontanez competency to stand trial - Lehigh County Defense
Estepan v. Ferguson for the plaintiff in a MVA

2016

Gabrieli v. Easton Hospital, et al. for the defense
Green vs. Lehigh Valley Hospital for the defense
Deanne and Toby Snyder h/w vs. Estate of Geoffrey K Sherman, M.A. et al. for the defense
Shugars, Leonard state of mind - Lehigh County Defense
Blahosky, Carolyn for the plaintiff PTSD from MVA Lehigh county

2015

Diggs, Jhainee Nataequa, decertification hearing - Lehigh County Defense
Hausknecht, Barbara for the plaintiff PTSD from MVA Lehigh county
Zimmerman, Joseph state of mind - Lehigh County Defense
Figueroa-Velez, Axel decertification hearing - Lehigh County Defense

Melendez, Juan competency to stand trial - Lehigh County Defense

2014

Scardetto v. Scardetto - Custody - Bucks County- request of Father's Atty.

Commonwealth v. Jean-Pierre - Lehigh County Defense

Commonwealth v. Heminitz - Lehigh County Defense

Commonwealth v. Rivera-Oyola - Lehigh County Defense

Commonwealth v. Rodriguez - Lehigh County Defense

Commonwealth v. Lehigh County - Defense

Shoen v. Shoen Deposition Custody- Berks County - request of Mother's Atty.

Fed.R.Civ.P. 26(a)(2)(B)(vi) Statement

The fee for all time and services by Dr. Robert Gordon is \$250 an hour including preparation and travel time. There is a one-day charge (\$2800) for depositions and court testimony, in addition to any preparation and travel time. I charge a minimum non-refundable retainer of \$1500 for forensic reports. The total amount charged for this evaluation and forensic report was \$3,000.

Fed.R.Civ.P. 26(a)(2)(B)(iv) Statement

EDUCATION

Ph.D., Psychology, Temple University, Philadelphia, PA 1975
B.A., Psychology, Temple University, Philadelphia, PA 1970

PROFESSIONAL ASSOCIATIONS

American Psychological Association- Fellow

Elected to the Governing Council of the American Psychological Assoc.
1992 -1995 and again in 2001 - 2003 representing Pennsylvanian psychologists

Fellow and charter member of Division of Psychoanalysis (39), member of sections:

- I. Psychologist-Psychoanalyst Practitioners
- VI. Psychoanalytic Research Society
- VII. Psychoanalysis and Groups
- VIII. Couple and Family Therapy and Psychoanalysis

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Pennsylvania Psychological Foundation Board, 1991-2003, 2006-2010;
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Charter Member of the Colleague Assistance Committee since 1992

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Professional Psychology since 1991

Fellow of the Academy of Psychoanalysis of the American Board of Professional
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American Psychoanalytic Association Research Associate- charter member

Psychodynamic Psychoanalytic Research Society- charter member

Society for Personality Assessment

Tampa Bay Psychoanalytic Society

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Diplomate of the American Board of Professional Psychology in Psychoanalysis, #6211, since 2006

National Register of Health Service Providers in Psychology since 1979-2010

American Association for Marriage and Family Therapy since 1976, and Approved Supervisor 1981-2007

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Honorary Membership presented by the American Psychoanalytic Association- 2015

Honorary Editor for Forensic Research & Criminology International Journal- 2015

Honorary Member of the Psychoanalytic Center of Philadelphia- elected 2016

PRACTICE

Independent practice specializing in forensic psychology, psychoanalysis, psychodynamic psychotherapy, assessment, teaching and research.

Forensic Psychologist Consultant to the Lehigh County Public Defender's Office since 2010.

Psychodynamic Diagnostic Manual 2 (PDM2) Section co-editor on assessment tools 2014-2016.

TEACHING and RESEARCH POSITIONS and WORKSHOPS

Academic appointments at: Lehigh University, Temple University, Yeshiva University, and Widener University. Topics include personality assessment, forensic psychology, research, ethics, MMPI-2, Psychodynamic Diagnostic Manual (PDM and PDM2), philosophy of science and methodology, teaching psychodynamic theory and psychodynamic psychotherapy.

Clinical and Forensic Assessment Practicum Supervisor for Chestnut Hill College Doctoral students since 2010.

Presented and led workshops nationally and internationally (ex.: Albania, Belgium, Canada, China, Germany, France, Israel, Italy, Netherlands, Russia, Switzerland, etc.) since 1982 (ex.: International Psychoanalytic Assoc., American Psychoanalytic Assoc., American Psychological Assoc., Society for Personality Assessment, etc.) in: MMPI-2 interpretation, forensic psychology, psychological diagnostic taxonomies, the PDM and PDM2, psychodynamic research, psychoanalysis- theory and technique, couples, family and group therapy, ethics and psychology, and the psychology of love relations. Led yearly ethics workshops for the Penna. Psychological Foundation for 17 years.

China American Psychoanalytic Alliance (CAPA)- instructor of Adult Psychodynamic Psychotherapy and the writings of Sigmund Freud to Chinese professionals via VCON, since 2012.

Chair of Research and Scholarship Grants of the China American Psychoanalytic Alliance 2017.

China American Psychoanalytic Alliance (CAPA)- Board of Directors 2017.

Visiting Professor of Psychology teaching forensic and clinical psychology to masters and doctoral students at Albanian University via VACON 2014.

FILMS

39 Scuds (1991). A 30-minute documentary I made about the psychological effects of the potential gas poisoning of civilians in Israel during the Persian Gulf War.

Balance and Integration in Psychoanalytic Group Therapy (2006). Produced by Video Diamond, LLC; a workshop I lead on psychoanalytic group therapy.

TEDx Talk “The Power of Apology” September, 2014

REVIEWER FOR JOURNALS

such as: Journal of Consulting and Clinical Psychology and Psychoanalytic Psychology

PUBLICATIONS - Last 10 years

Gordon, R.M. & Bornstein, R.F. (2018). Construct Validity of the Psychodiagnostic Chart: A Transdiagnostic Measure of Personality Organization, Personality Syndromes, Mental Functioning, and Symptomatology. *Psychoanalytic Psychology*, 35(2),280-288. <http://dx.doi.org/10.1037/pap0000142>

Gordon, R.M. (2017). A Concurrent Validity Study of the PDM-2 Personality Syndromes. *Current Psychology*, DOI: 10.1007/s12144-017-9644-2, pp.1-7.

Gordon, R.M., Blake, A., Etzi, J., Rothery, C., & Tasso, A.F. (2017). Do Practitioners Find a Psychodynamic Taxonomy Useful? *Journal of Psychology and Clinical Psychiatry* 7(5): 00452. DOI: 10.15406/jpcpy.2017.07.00452

Waldron, S., Gordon, R.M., & Gazzillo, F. (2017). Chapter 15 Assessment within the PDM-2 Framework, Lingiardi, V. & McWilliams, N. (Eds), *Psychodynamic Diagnostic Manual, Version 2 (PDM-2)*. New York: Guilford Press.

Gordon, R.M. (2017). Personality Disorders and Syndromes Across ICD-10, DSM5, and PDM2. *Currents*, 1, pp. 10.

Gordon, R.M., & Lan, J. (2017). Assessing Distance Training: How Well Does It Produce Psychoanalytic Psychotherapists? *Psychodynamic Psychiatry*, 45 (3), 329-341.

Gordon, R.M. (2017). Assessing Distance Psychoanalytic Treatment: Perspectives of Therapist and Patient. *The American Psychoanalyst*, 51,2, 15.

Gordon, R.M., Tune, J. and Wang, X. (2016). What are the characteristics and concerns of high and low raters of psychodynamic treatment to Chinese students over VCON? *Psychoanalysis and Psychotherapy in China*, 2, 86-96.

Gordon, R.M., Blake, A., Bornstein, R.F., Gazzillo, F., Etzi, J., Lingiardi, V., McWilliams, N., Rothery, C. and Tasso, A.F. (2016) What do practitioners consider the most helpful personality taxa in understanding their patients? *Division/Review: A Quarterly Psychoanalytic Forum*, 16, 70.

Gordon, R.M., Gazzillo, F., Blake, A., Bornstein, R.F., Etzi, J., Lingiardi, V., McWilliams, N., Rothery, C. and Tasso, A.F. (2016) The Relationship Between Theoretical Orientation and Countertransference Awareness: Implications for Ethical Dilemmas and Risk Management, *Clinical Psychology & Psychotherapy*, 23, 3, 236-245; (online published 2015, DOI: 10.1002/cpp.1951)

Gordon, R.M. & Bornstein, R.F. (2015). The Psychodiagnostic Chart-2 v.8.1 (PDC-2),
DOI: 10.13140/RG.2.1.4147.4647

Ibrahimi, S., & Gordon, R.M. (2015). Post-Traumatic Identity within Social Contexts. *Balkan Journal of Interdisciplinary Research Vol 1*, No 1, 47-51. ISSN 2410-759X, Access online at www.iipcccl.org

Ibrahimi, S., Dervishi, E., and Gordon, R.M. (2015). Traumatic behavior deviance of individual within social contexts. *European Psychiatric Congress*, Vienna Austria.

Spektor, V., Luu, L. & Gordon, R.M. (2015) The Relationship between Theoretical Orientation and Accuracy of Countertransference Expectations, *Journal of the American Psychoanalytic Association*, 63(4), NP28-NP32.

Gordon, R.M., Wang, X. and Tune, J. (2015). Comparing Psychodynamic Teaching, Supervision and Psychotherapy Over Video-Conferencing Technology with Chinese Students. *Psychodynamic Psychiatry*, 43 (4), 585-599.

Huprich, S., Lingiardi, V., McWilliams, N., Bornstein, R., Gazzillo, F., and Gordon, R.M., (2015). The *Psychodynamic Diagnostic Manual (PDM)* and the *PDM-2*: Opportunities to Significantly Affect the Profession. *Psychoanalytic Inquiry*, 35: 60-73.

Lingiardi, V., McWilliams, N., Bornstein, R.F., Gazzillo, F. and Gordon, R.M. (2015) The Psychodynamic Diagnostic Manual Version 2 (PDM-2): Assessing Patients for Improved Clinical Practice and Research, *Psychoanalytic Psychology*, 32(1), 94-115.
<http://dx.doi.org/10.1037/a0038546>

Gazzillo, F., Lingiardi, V., Del Corno, F., Genova, F., Bornstein, R.F., Gordon, R.M., McWilliams, N. (2015). Clinicians' Emotional Responses and PDM P Axis Personality Disorders: A Clinically Relevant Empirical Investigation. *Psychotherapy, Special Section: Personality and Psychotherapy*, 52(2), 238-246. <http://dx.doi.org/10.1037/a0038799>

Gordon, R.M. and Stoffey, R.W. (2014). Operationalizing the Psychodynamic Diagnostic Manual: a Preliminary Study of the Psychodiagnostic Chart (PDC), *Bulletin of the Menninger Clinic*, 78, 1, 1-15.

Gordon, R.M. and Cosgrove, L., (2013) Ethical Considerations in the Development and Application of Mental and Behavioral Nosologies: Lessons from DSM5, *Psychological Injury and Law*, 6,4, 330-335, DOI 10.1007/s12207-013-9172-9.

Gordon, R.M. and Stoffey, R.W. and Perkins, B.L. (2013) Comparing the Sensitivity of the MMPI-2 Clinical Scales and the MMPI-RC Scales to Clients Rated as Psychotic, Borderline or Neurotic on the Psychodiagnostic Chart, *Psychology: Special issue on Criminal Investigative Psychology*, 4, 9A, 12-16. doi: 10.4236/psych.2013.49A1003.

Gordon, R.M. (2013). The Pyramid of Love. In The World Book of Love, Ed. Leo Bormans, Lannoo, Publishers, Tielt, Belgium. 60-63.

Gordon, R.M. (2013). Book Review: To Know and to Care: [Review of Psychoanalytic Diagnosis: Understanding Personality Structure in the Clinical Process. Second Edition, by Nancy McWilliams.] *Division/Review: A Quarterly Psychoanalytic Forum*, Spring, 7, 9-11.

Bornstein, R. F. and Gordon, R. M. (2012). What Do Practitioners Want in a Diagnostic Taxonomy? Comparing the PDM with DSM and ICD. *Division/Review: A Quarterly Psychoanalytic Forum*, Fall, 6, 35.

Gordon, R.M., & Bornstein, R.F. (2012). A practical tool to integrate and operationalize the PDM with the ICD or DSM. <http://www.mmapi-info.com/pdm-blog>.

Gordon, R.M. (2012). A Psychological Alternative to the Medically Based DSM and ICD, *The National Psychologist May/June*, vol. 21, 3, p. 19

Gordon, R.M. (2011). Repercussions of a Patient's Suicide, *Pennsylvania Psychologist Quarterly*, 71,6, 12-14.

Gordon, R.M., Hoffman, L., and Tjeltveit, A. (2010). Religion and Psychotherapy: Ethical Conflicts and Confluence, *Pennsylvania Psychologist*, 70, 9, 3-4.

Gordon, R.M. (2010). The Scientific Renaissance of Psychodynamic Therapy (PDT), *Pennsylvania Psychologist Quarterly*, March, 70,3, 22-23.

Gordon, R.M. (2010). The Psychodynamic Diagnostic Manual (PDM). In I. Weiner and E. Craighead, (Eds.) *Corsini's Encyclopedia of Psychology* (4th ed., volume 3, 1312-1315), Hoboken, NJ: John Wiley and Sons.

Gordon, R.M. (2009). Money, Masochism, Narcissism and Indifference, *Pennsylvania Psychologist Quarterly*, 69, 8, 10 and 14.

Gordon, R.M. (2009). The Psychodiagnostic Report for Treatment Recommendations. *The Pennsylvania Psychologist Quarterly*, 69, 3, 17-18.

Gordon, R.M. (2009). Reactions to the Psychodynamic Diagnostic Manual (PDM) by Psychodynamic, CBT and Other Non- Psychodynamic Psychologists. *Issues in Psychoanalytic Psychology*, 31, 1, 55-62.

Gordon, R.M. (2008). Addendum To MMPI/MMPI-2 Changes In Long Term Psychoanalytic Psychotherapy. *Issues in Psychoanalytic Psychology, Issues In Psychoanalytic Psychology* Vol. 30, No. 2, p.159.

Gordon, R.M. (2008). *An Expert Look at Love, Intimacy and Personal Growth*. Second Edition, IAPT Press, Allentown, Pa.

Gordon, R.M. (2008). Early reactions to the PDM by Psychodynamic, CBT and Other psychologists. *Psychologist-Psychoanalyst*, XXVI, 1, Winter, p.13.

Gordon, R. M. (2008). *I Love You Madly! On Passion, Personality and Personal Growth*. Second Edition, IAPT Press, Allentown, Pa.

Gordon, R. M. (2008). The Two-Minute Check-in at the Beginning of Psychoanalytic Group Therapy Sessions. *Group Analysis*, 41 (4), 366-372.

Gordon, R.M. and Bottinelli, J. (2008), Ethics and the Difficult Patient: The Psychopath in Film and in Your Office. *The Pennsylvania Psychologist, July/August Issue*, p.10.

Gordon, R. M., Stoffey, R., & Bottinelli, J. (2008). MMPI-2 findings of primitive defenses in alienating parents. *American Journal of Family Therapy*, 36 (3): 211-228.

Fed.R.Civ.P. 26(a)(2)(B)(v) Statement

Nature of Practice

Since my license to practice psychology in 1976, I have specialized in clinical and forensic psychodiagnostic assessment (along with psychotherapy, research and teaching).

My forensic practice is general in nature, that is, not limiting myself to any particular civil or criminal area or to defense or plaintiff work. The only exception is that since 2010, I work as Lehigh County Public Defender Office's forensic psychologist. About 30% of my professional work is in forensic psychology.

My general forensic assessment practice has included assessments for:

- IMEs and psychological record reviews
- Criminal responsibility
- Mental state
- Competency to stand trial
- Capital mitigation evaluations
- Juvenile matters and transfer evaluations
- Sentencing evaluations
- Malingering and deception
- Testamentary capacity
- PTSD
- Personal injury and emotional distress claims
- Malpractice — plaintiff and defense
- Sexual offender evaluations
- Risk assessment
- Family law: custody, parental competence, parental alienation, adoption
- Employment issues: fitness for duty, discrimination, harassment, wrongful termination.

Expert Testimony at Trial or by Deposition

2018

None

2017

Fontanez competency to stand trial - Lehigh County Defense
Estepan v. Ferguson for the plaintiff in a MVA

2016

Gabrieli v. Easton Hospital, et al. for the defense
Green vs. Lehigh Valley Hospital for the defense
Deanne and Toby Snyder h/w vs. Estate of Geoffrey K Sherman, M.A. et al. for the defense
Shugars, Leonard state of mind - Lehigh County Defense
Blahosky, Carolyn for the plaintiff PTSD from MVA Lehigh county

2015

Diggs, Jhainee Nataequa, decertification hearing - Lehigh County Defense
Hausknecht, Barbara for the plaintiff PTSD from MVA Lehigh county
Zimmerman, Joseph state of mind - Lehigh County Defense
Figueroa-Velez, Axel decertification hearing - Lehigh County Defense

Melendez, Juan competency to stand trial - Lehigh County Defense

2014

Scardetto v. Scardetto - Custody - Bucks County- request of Father's Atty.

Commonwealth v. Jean-Pierre - Lehigh County Defense

Commonwealth v. Heminitz - Lehigh County Defense

Commonwealth v. Rivera-Oyola - Lehigh County Defense

Commonwealth v. Rodriguez - Lehigh County Defense

Commonwealth v. Lehigh County - Defense

Shoen v. Shoen Deposition Custody- Berks County - request of Mother's Atty.

Fed.R.Civ.P. 26(a)(2)(B)(vi) Statement

The fee for all time and services by Dr. Robert Gordon is \$250 an hour including preparation and travel time. There is a one-day charge (\$2800) for depositions and court testimony, in addition to any preparation and travel time. I charge a minimum non-refundable retainer of \$1500 for forensic reports. The total amount charged for this evaluation and forensic report was \$3,000.

Exhibit D

*(Federal Register Notices Granting Relief
Pursuant to 18 U.S.C. § 925(c))*

Federal Register Notices Granting Relief Pursuant to 18 U.S.C. § 925(c)

Format: Year – Federal Register Citation: Number of Individuals Granted Relief

1992 - 57 FR 6160: 68
1991 - 56 FR 65926: 74
1991 - 56 FR 36865: 95
1991 - 56 FR 26713: 75
1991 - 56 FR 14791: 69
1990 - 55 FR 48951: 60
1990 - 55 FR 33208: 70
1990 - 55 FR 14549: 72
1990 - 55 FR 5939: 59
1989 - 54 FR 43378: 128
1989 - 54 FR 33108: 1,573
1985 - 50 FR 23374: 198
1985 - 50 FR 1026: 118
1984 - 49 FR 48252: 145
1984 - 49 FR 35707: 107
1984 - 49 FR 29503: 181
1984 - 49 FR 25060: 318
1983 - 48 FR 50977: 174
1983 - 48 FR 36720: 105
1983 - 48 FR 29650: 88
1983 - 48 FR 28385: 215
1983 - 48 FR 10508: 312
1982 - 47 FR 47714: 528
1982 - 47 FR 10132: 207
1981 - 46 FR 57812: 139
1981 - 46 FR 46456: 183
1981 - 46 FR 33410: 141
1981 - 46 FR 23646: 130
1981 - 46 FR 11751: 136
1980 - 45 FR 7838: 86
1980 - 45 FR 65393: 110
1980 - 45 FR 49733: 104
1980 - 45 FR 39998: 76
1980 - 45 FR 26868: 120
1980 - 45 FR 6878: 141
1979 - 44 FR 71492: 117

1978 - 43 FR 51736: 75
1978 - 43 FR 25755: 112
1977 - 42 FR 21156: 36
1976 - 41 FR 50368: 62
1976 - 41 FR 7550: 47
1974 - 39 FR 9212: 29
1973 - 38 FR 14299: 41
1973 - 38 FR 8071: 26
1973 - 38 FR 4583: 29
1973 - 38 FR 4524: 21
1973 - 38 FR 3414: 25
1973 - 38 FR 1944: 21
1972 - 37 FR 28640: 50
1972 - 37 FR 26352: 34
1972 - 37 FR 23462: 71
1972 - 37 FR 18636: 37
1972 - 37 FR 16113: 26
1972 - 37 FR 15009: 30
1972 - 37 FR 13352: 26
1972 - 37 FR 11790: 37
1972 - 37 FR 10406: 26
1972 - 37 FR 8403: 29
1972 - 37 FR 7168: 33
1972 - 37 FR 6769: 26
1972 - 37 FR 6361: 60
1972 - 37 FR 4921: 47
1972 - 37 FR 2893: 41
1972 - 37 FR 23: 21
1971 - 36 FR 23731: 17
1971 - 36 FR 22321: 18
1971 - 36 FR 21364: 13
1971 - 36 FR 20449: 24
1969 - 34 FR 12229: 3
1969 - 34 FR 10006: 7

Total number of individuals granted relief: 7,722

Exhibit E

(John Kraszewski Court Records)



127638
127639
OAK

COMMONWEALTH OF PENNSYLVANIA
ADMINISTRATIVE

VS

JOHN KRASZEWSKI

5 F-3

4-23-84 F.A.

3-5-84 DATE FILED

9-1-84 C.F.T.D.

JUDGE CERTIFIED FROM THE RECORD

A.D.A. Michael McNamee

DEFT. DIRECTOR, DEPT. OF COURT RECORDS

REPORTER DK

BY MINUTE CLERK Clerk

CC NO. 8402770A

OTN. NO. B038911-5

PRE-TRIAL DATE 3-27-84

ACTOR'S RACE W SEX M

D.O.B. 7-2-63 S.S. #

PLACE OF BIRTH APR 03 1984

Count 1: VIOLATION VEHICLE CODE: HOMICIDE BY VEHICLE CAUSED BY VIOLATION OF SECTION 3731 (a) (Section 3735)

Count 2: VIOLATION VEHICLE CODE: DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE (Section 3731 (a)(1))

Count 3: VIOLATION VEHICLE CODE: DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE (Section 3731 (a)(4))

Count 4: VIOLATION VEHICLE CODE: HOMICIDE BY VEHICLE (Section 3732)

Date: AUG 30 1984 19

Courtroom No. 19

Before Robert P. Horgan Judge

John Anderson Trial A.D.A.

Stephen Togba Def. Attorney

Desiree Rizzo Court Reporter

The Defendant present in open court with counsel, pleads guilty to the preferred charges Counts 3 & 4 in the within information.

John S. Kraszewski

Record verified by: Betty Ford

VOUCHER #

Minute Clerk John S. Kraszewski

FILE # 139276

JULY 1984

770.00

DISPOSITION

Special form of plea taken with
consent of

John P. Conley
DISTRICT ATTORNEY

On this day, AUG 30 1984, in
open Court, on Motion of
ADA, John Anderson, County
and Jane Ruby
Dismissed.

By the Court
Robert P. Horgan

On

*cc: 3rd Court**cc: 4th Court*And now AUG 30 1984

19

Defendant sentenced to pay a fine of \$300.00 to the Commonwealth. Pay costs of prosecution, and undergo an imprisonment of not less than 48 hours or more than 6 months in the Allegheny County Jail and stand committed.

EGDIE.. SENTENCE EFFECTIVE

9/29/84 @ 8:00 AMThe court recommends alternative housing at A.R.C. HouseDefendant to pay fine and costs at a rate of as encouraged

Defendant is hereby paroled at expiration of service of 48 hour minimum sentence.

"DEFENDANT TO UNDERGO EVALUATION, TO ATTEND ALCOHOL SAILED DRIVING SCHOOL, AND TO PARTICIPATE IN ANY FURTHER EVALUATION AND, OR TREATMENT DEEMED NECESSARY BY THE PROBATION OFFICE AND THE REGIONAL ALCOHOL PROGRAM. DEFENDANT TO PAY A \$150.00 FEE IN ADDITION TO REGULAR COURT COSTS."

*By the Court
Robert P. Hergos*

AUG 30 1984

19

On payment of costs of prosecution by Defendant, County, Defendant released on probation for a period of 4 years In custody of Probation Officer upon conditions. Defendant to reimburse County for costs. SEE ORDER FILED. Clerk of Courts to set up terms of payment and collect fine, costs and restitution during probation period. Costs to be arranged.

This sentence to begin and take effect at the expiration of sentence imposed at

No. 3rd Court

Sessions 19

*By the Court
Robert P. Hergos*

*as to the Summary Offense
too fast for Court to do*

AND NOW AUG 30 1984, the Court directs that sentence be suspended upon condition that the defendant pay fine \$150.00 for the use of Allegheny County, and pay costs of prosecution.

*By the Court
Robert P. Hergos*

IN THE COURT OF COMMON PLEAS
COUNTY OF ALLEGHENY
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

VS.

JOHN KRASZEWSKI

Criminal Action No: CC 8402770A

The District Attorney of Allegheny County by this information charges that on (or about) February 9, 1984 through February 12, 1984 in the said County of Allegheny JOHN KRASZEWSKI hereinafter called actor, did commit the crime or crimes indicated herein; that is:

83735A	Count 1	HOMICIDE BY VEHICLE CAUSED BY VIOLATION OF SECTION 3731(a)	Felony 3
--------	---------	--	----------

The actor unintentionally caused the death of Frank Schneider as a direct result of a violation of Section 3731 (relating to driving under the influence of alcohol or controlled substance), and the actor has been convicted of such violation of Section 3731, and that violation was the cause of death, in violation of Section 3735 of the Pennsylvania Vehicle Code, Act of December 2, 1982, 75 P.S. 3735.

83731A Count 2

DRIVING UNDER
INFLUENCE OF ALCOHOL OR
CONTROLLED SUBSTANCE

Misdemeanor 2

The actor drove, operated, or was in actual physical control of the movement of, a vehicle upon a highway or trafficway of this Commonwealth, namely, a Pontiac automobile, while under the influence of alcohol to a degree rendering the actor incapable of safe driving, in violation of Section 3731(a)(1) of the Pennsylvania Vehicle Code, Act of June 17, 1976, 75 Pa. C.S. §3731(a)(1) as amended, December 8, 1982.

83731D Count 3

DRIVING UNDER
INFLUENCE OF ALCOHOL OR
CONTROLLED SUBSTANCE

Misdemeanor 2

The actor drove, operated, or was in actual physical control of the movement of a vehicle, as described in the preceding count, upon a highway or trafficway of this Commonwealth while the amount of alcohol by weight in the blood of the actor was 0.10% or greater in violation of Section 3731(a)(4) of the Pennsylvania Vehicle Code, Act of June 17, 1976, 75 Pa. C.S. §3731(a)(4) as amended, December 8, 1982.

83732A Count 4

HOMICIDE BY VEHICLE

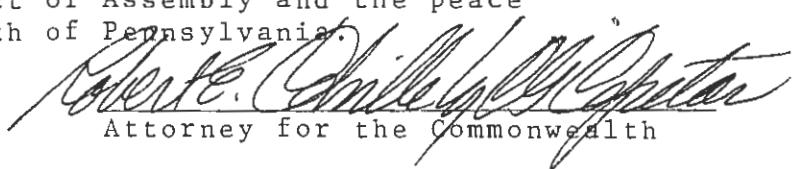
Misdemeanor 1

The actor unintentionally caused the death of Frank Schneider while the actor was engaged, upon a highway or trafficway of this Commonwealth, in the violation of a law of this Commonwealth or municipal ordinance, applying to the operation or use of a vehicle, or to the regulation of traffic, except Section 3731 (relating to driving under the influence of alcohol or controlled substance), namely, Pennsylvania Vehicle Code Section 3361 Too Fast For Conditions, and that violation was the cause of death, in violation of Section 3732 of the Pennsylvania Vehicle Code, Act of June 17, 1976, 75 Pa. C.S. §3732, as amended, December 8, 1982.

The District Attorney of Allegheny County further charges that the said actor committed the following summary offense(s):

Motor Vehicle Code §3361

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.


Robert C. Shillinger
Attorney for the Commonwealth

CC NO. 8402770A

COMMONWEALTH OF PENNSYLVANIA

VS

JOHN KRASZEWSKI

RECEIPT OF COPY OF INFORMATION

I hereby certify that I have received a copy of the information filed by the District Attorney in the above-captioned action.

/X DEFENDANT

/ / DEFENDANT'S COUNSEL OF RECORD

John S. Kraszewski
SIGNATURE

DATE

4-23-84

Case 2:17-cv-02641-JMY Document 61-2 Filed 12/06/22 Page 51 of 106
IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CRIM. DIV. FORM 53A

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

VS.

VS.
John Kraszewski

127639
OTN

COMPLAINT NO. 8993-7704

OTN NO 8038911-5

CHARGE(S) 1st Degree Homicide

By Vehicle

ORDER OF PROBATION

AND NOW August 30 1989 Defendant is placed on probation for a period of

Four Years

DEFENDANT will be supervised by the County Probation Office State Probation and Parole, will abide by any special rules and regulations imposed by that office, will report as directed and will comply with all conditions of this order.

COSTS OF PROSECUTION to be paid through the Office of the Clerk of Courts.

As Arranged.

SPECIAL CONDITIONS of this probation are as follows:

For legislation to begin and take effect of expiration
of Jan. 1st, 1906 at noon 3.

DEFENDANT understands that upon satisfactory completion of the conditions of probation a discharge will be in order; but if the Court finds violation of conditions, probation may be revoked and a sentence imposed.

By the Court

Attest:

/S/ Bette Lue
Minute Clerk

/S/ Robert P. Hargraves
judge

CRIM. DIV. FORM-8
REVISED 10/27/83IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

-versus-

John Kossowske 127

CONO. 8402778A.

OTN NO. 638945

CHARGE(S) *Viol. of Drivng**Under Influence*

ORDER OF PAROLE

AND NOW, September 28, 1984, it appearing to the Court that on
August 30, 1984, the Defendant was sentenced to the
Allegheny County Jail to undergo an
imprisonment of not less than 45 Days or more than 6 months
(Date of last commitment: Prob Case, 19) it is ordered that he/she be
released on parole effective September 28, 1984, for the balance of the
maximum term.

DEFENDANT will be supervised by the County Probation Office, State Board of Probation and Parole, will abide by any SPECIAL RULES AND REGULATIONS imposed by that Office and will report as directed.

COURT SPECIAL CONDITIONS of this Parole are as follows: attend sober living

School & pay all fines & costs

Upon satisfactory completion of the conditions of Parole, a discharge will be in order, but if the Court finds
Violation of the Conditions of Parole, recommitment to prison may be ordered. Defendant presently confined at:

ARC House By the Court

/s/

Robert P. Herges

JUDGE

FOR THE PROBATION DEPARTMENT USE ONLY:

OFFICE ASSIGNED _____

NAME _____ AGE _____ D.O.B. _____ RACE _____

BIRTHPLACE _____ SOCIAL SECURITY # _____

ADDRESS _____ PHONE _____

NAMEADDRESSPHONE

SPOUSE _____

FATHER _____

MOTHER _____

EMPLOYER _____

MILITARY BRANCH AND SERIAL NO. _____

PRIOR P.O. NUMBER(S) _____

PAST RECORD OF ARRESTS _____

I, _____, fully understand and agree to observe all the conditions of this Parole.

/s/ _____

Witness /s/ _____

JUSTICE OF PEACE
MAGISTERIAL DISTRICT NO. _____
(Address)

CRIMINAL COMPLAINT (POLICE)

I, Det. William Hennigan
(Name of Affiant)

of City of Pgh. Police Dept. - Homicide Div.
(Identify department or agency represented and political subdivision)

(1) I accuse the defendant, who lives at the address set forth herein
or,
 I accuse an individual whose name is unknown to me but who is

(Check applicable box) _____ described as _____

COMPLAINT NUMBER OF OTHER PARTICIPANTS	
YEAR	NUMBER
19 84	#404

COMPLAINT NO.	UCR NO.	OTN
INCIDENT NO.		

B038911-5

COMMONWEALTH OF PENNSYLVANIA

DEFENDANT

NAME JOHN KRASZEWSKI

A.K.A.

R.S.A.

ADDRESS 254 45th Street
Pittsburgh, Pa.

His nickname or popular designation is unknown to me and, therefore, I have designated him herein as John Doe;
with violating the penal laws of the Commonwealth of Pennsylvania at Pittsburgh
in Allegheny County on or about Thursday, February 9, 1984
(if the date or day of week is an essential element of offense charged, the day or date must be specifically set forth.)

Participants were (If there were participants, place their names here, repeating the name of above defendant):

(2) The acts committed by the accused were: A VAL 3731-a1 & a4 DRUNK DRIVING
3735 HOMICIDE BY VEHICLE WHILE UNDER THE INFLUENCE
3361 TOO FAST FOR CONDITIONS

On Thursday, February 9, 1984, the actor did unlawfully drive, operate, or was in actual physical control of the movement of a certain motor vehicle; to wit: A 1975 Pontiac bearing Pennsylvania Registration #AYN-589 for the year of 1984 on the public highways of the City of Pittsburgh, County of Allegheny & State of Pennsylvania; to wit: Traveling east on Butler Street and in the 4700 block of Butler Street, the ~~XXX~~ actor lost control of his vehicle and struck two poles, vehicle came to rest against pole #P-771 across from 4735 Butler Street; while under the influence of intoxicating liquor to a degree which rendered him incapable of safe driving; and/or the amount of alcohol by weight in the blood of the actor was .179; AND ALSO

HOMICIDE by Vehicle While Driving Under the Influence - On Thursday, ~~XXXX~~February 9, 1984, the actor did unlawfully drive, operate, or was in actual physical control of the movement of a ~~XXXXXX~~ certain motor vehicle; to wit: A 1975 Pontiac, bearing Pa. Reg. #AYN-589 for the year of 1984 on the public highways of the City of Pittsburgh, County of Allegheny & State of Pennsylvania; to wit: Traveling east in the 4700 block of Butler Street, the actor lost control of his vehicle collided into two poles; vehicle came to rest against #P-771 (Pole), causing the death of Frank Schneider, passenger, as the direct result of Driving Under the Influence (3731-a1 & a4); contrary to the provisions of 75 P.S. Sections 3731-a1 & a4 and 3735, Motor Vehicle Laws of the Commonwealth of Pennsylvania, Act 81 of the General Assembly, approved the 17th day of June A.D. 1976, as amended on the 8th day of November A.D. 1982.

/15/84 Amended to include VAL 3732 Homicide By Vehicle - On Thursday, February 9, 1984, the actor id unlawfully drive, operate, or was in actual physical control of the movement of a certain otor vehicle; to wit: A 1975 Pontiac bearing Pennsylvania Registration #AYN-589 for the year f 1984 on the public highways of the City of Pittsburgh, County of Allegheny & State of ennsylvania; to wit: Traveling east in the 4700 block of Butler Street, the actor lost contorl f his vehicle, collided into two poles;vehicle came to rest against pole #P-771 while driving oo fast for conditions and unintentionally caused the death of passenger, Frank Schneider; ontrary to the provisions of 75 P.S. Section 3732, Motor Vehicle Laws of the Commonwealth of ennsylvania, Act 81 of the General Assembly, approved the 17th day of June A.D. 1976, as mended on the 8th day of November A.D. 1982.

Exhibit F
(Kim Blake Court Records)

COMMONWEALTH OF PENNSYLVANIA VS KIM BLAKE

NO 80146101

(1461)

10-17-80 ✓ TRANSCRIPT & RECOGNIZANCE FILED.

11-20-80 ✓ INFORMATION FILED. (80146101 & SUMMARY)

11-21-80 ✓ PRAECIPE FOR ENTRY OF APPEARANCE FILED BY ATTY. FREDERICK LANSHE.
(ALLENTOWN)

11-21-80 ✓ WAIVER OF ARRAIGNMENT FILED.

11-21-80 ✓ THE DEFENDANT BEING REPRESENTED BY COUNSEL WAIVES ARRAIGNMENT AND PLEADS
NOT GUILTY. (80146101 & SUMMARY)

2-12-81 ✓ THE DEFENDANT BEING REPRESENTED BY COUNSEL AND BEING REARRAIGNED VOLUNTAR-
ILY AND UNDERSTANDINGLY PLEADS GUILTY. (WESNER, J.)

*Stapleton
Lanshe
Kennedy*
4-2-81 ✓ IN LIEU OF SENTENCE: ORDER: AND NOW, APRIL 2, 1981 IN LIEU OF SENTENCE,
THE DEFENDANT IS RELEASED FOR A PERIOD OF 5 YRS ON PROBATION UNDER THE
SUPERVISION OF BERKS COUNTY PROBATION OFFICE, UPON THE FOLLOWING
CONDITIONS; PAY COSTS OF PROSECUTION AND \$2000.00 FOR THE USE OF THE
COUNT 1 COUNTY, AND PAY RESTITUTION AS DETERMINED BY THE BERKS COUNTY PROBATION
OFFICE, DURING THE FIRST 36 MOS OF PROBATIONARY PERIOD, ALL PAYMENTS TO
BE MADE TO THE BERKS COUNTY PROBATION OFFICE, DEFENDANT'S PROBATIONARY
PERIOD SHALL COMMENCE ON APRIL 2, 1981. BY THE COURT: (WESNER J.)

4-2-81 ✓ ORDER: AND NOW, APRIL 2, 1981 IN LIEU OF SENTENCE, THE DEFENDANT IS
RELEASED FOR A PERIOD OF 1 year ON PROBATION UNDER THE SUPERVISION OF
BERKS COUNTY PROBATION OFFICE, UPON THE FOLLOWING CONDITIONS; PAY COSTS
OF PROSECUTION AND \$500.00 FOR THE USE OF THE COUNTY AND PAY RESTITUTION
IN THE SUM AS DETERMINED BY THE BERKS COUNTY PROBATION OFFICE, DURING THE
FIRST 10 MOS OF PROBATIONARY PERIOD, ALL PAYMENTS TO BE MADE TO THE BERKS
COUNTY PROBATION OFFICE, DEFENDANT'S PROBATIONARY PERIOD SHALL COMMENCE ON
EXPIRATION OF PROBATIONARY PERIOD, ORDERED TO CRIMINAL ACTION NO. SAME
BILL COUNT 1. BY THE COURT: (WESNER J.)

4-2-81 ✓ SUMMARY: AND NOW, THIS 2nd day OF APRIL 1981 DEFENDANT IS SENTENCED TO PAY
A FINE IN THE SUM OF \$25.00 AND COSTS, AND UPON WILFUL DEFAULT IN PAYMENT
OF SAID FINE AND COSTS, SHALL UNDERGO IMPRISONMENT FOR A NUMBER OF DAYS
EQUAL TO ONE DAY FOR EACH \$1.00 OF THE BALANCE OF FINE AND COSTS WHICH
COUNT 1 REMAIN WILFULLY UNPAID, IN THE BERKS COUNTY PRISON. THE DEFENDANT SHALL
PAY SAID FINE AND COSTS WITHIN THE FIRST 10 DAYS HEREAFTER AS DIRECTED BY
THE BERKS COUNTY PROBATION OFFICE, ALL FINES AND COSTS TO BE PAID TO
THE BERKS COUNTY PROBATION OFFICE. BY THE COURT: (G.E. WESNER J.)

4-2-81 ✓ SUMMARY: AND NOW, THIS 2nd DAY OF APRIL 1981 THE DEFENDANT IS SENTENCED TO
PAY A FINE IN THE SUM OF \$25.00 AND COSTS, AND UPON WILFUL DEFAULT IN
PAYMENT OF SAID FINE AND COSTS SHALL UNDERGO IMPRISONMENT FOR A NUMBER OF
DAYS EQUAL TO ONE DAY FOR EACH \$1.00 OF THE BALANCE OF FINE AND COSTS
COUNT 2 WHICH REMAIN WILFULLY UNPAID, IN THE BERKS COUNTY PRISON. THE DEFENDANT
SHALL PAY FINE AND COSTS WITHIN THE FIRST 10 DAYS HEREAFTER BY THE BERKS
COUNTY PROBATION OFFICE, ALL FINES AND COSTS TO BE PAID TO THE BERKS COUNTY
PROBATION OFFICE. BY THE COURT: (G.E. WESNER J.)

4-2-81 ✓ SUMMARY: AND NOW, THIS 2nd DAY OF APRIL 1981 DEFENDANT IS SENTENCED TO PAY
A FINE IN THE SUM OF \$25.00 AND COSTS, AND UPON WILFUL DEFAULT IN PAYMENT
OF SAID FINE AND COSTS, SHALL UNDERGO IMPRISONMENT FOR A NUMBER OF DAYS
EQUAL TO ONE DAY FOR EACH \$1.00 OF THE BALANCE OF FINE AND COSTS WHICH
COUNT 3 REMAIN WILFULLY UNPAID, IN THE BERKS COUNTY PRISON. THE DEFENDANT SHALL
PAY SAID FINE AND COSTS WITHIN THE FIRST 10 DAYS HEREAFTER AS DIRECTED BY
THE BERKS COUNTY PROBATION OFFICE, ALL FINES AND COSTS TO BE PAID TO THE
BERKS COUNTY PROBATION OFFICE. BY THE COURT: (G.E. WESNER J.)

4-2-81 ✓ CERTIFIED TO DEPARTMENT OF TRANSPORTATION.

COMMONWEALTH OF
PENNSYLVANIA

Kim Blake
v.
Defendant

In the Court of Common Pleas of
Berks County, Pennsylvania -
Criminal Division

: Criminal Action No. 80146101
: Count No. 1 - Homicide by Vehicle

O R D E R

AND NOW, April 2, 1981, in lieu of sentence, the defendant is released for a period of Five (5) yrs on (4) probation under the supervision of Berks County Probation Office () special probation under the supervision of Pennsylvania Board of Probation and Parole, upon the following conditions: pay costs of prosecution and \$ 2000.00 for the use of the county and (1) pay restitution () in the sum of () as determined by the Berks County Probation Office, during the first 36 months of probationary period, all payments to be made to the Berks County Probation Office. Defendant's probationary period shall commence on (or April 2, 1981) () expiration of () sentence () probationary period, ordered to Criminal Action No. .

Defendant shall be subject to such conditions governing probation, including a plan for payment of costs, fine and/or restitution, as established by the Berks County Probation Office and/or the Pennsylvania Board of Probation and Parole, as applicable.

Special Conditions:

() Defendant shall attend Alcohol Safe Driving Program and pay to use of the county for cost of said program within the first thirty days.
() Defendant shall undergo evaluation for any alcohol problem and shall participate in such treatment program as directed by the Berks County Probation Office.

BY THE COURT:

J. Wilson

J.

COMMONWEALTH OF PENNSYLVANIA : In the Court of Common Pleas of
Berks County, Pennsylvania

v.

Case No. 80146101

Kim Blake

Summary Offense

#-1 Traffic Control Signals

SENTENCE UPON A SUMMARY CONVICTION

(Motor Vehicle Offenses, Game Law Offenses, etc.)

AND NOW, this 2nd day of April, 1981, defendant is
sentenced to pay a fine in the amount of \$ 25.00, and costs.
and upon wilful default in payment of said fine and costs, shall undergo
imprisonment for a number of days equal to one day for each (\$10.00) (\$1.00)
(strike out inappropriate amount)
of the balance of fine and costs which remain wilfully unpaid, in the Berks
County Prison.

The defendant shall pay said fine and costs within the first 10 days
days hereafter as directed by the Berks County Probation Office, all fines and
costs to be paid to the Berks County Probation Office.

BY THE COURT:

J. Wilson J.

COMMONWEALTH OF PENNSYLVANIA

vs.

KIM BLAKE

IN THE COURT OF COMMON PLEAS
OF BERKS COUNTY, PENNSYLVANIA

CRIMINAL ACTION

80146101 & SUMMARY

No. _____

Defendant(s)

INFORMATION

THE DISTRICT ATTORNEY of Berks County by this Information charges that on or about the 14th day
of September 19 80 _____

KIM BLAKE

FIRST COUNT

the Defendant(s) above named, in the County of Berks, did unintentionally cause the death of another
person, namely MERRY C. HAUK, while engaged in the violation of a law of this
Commonwealth or a municipal ordinance applying to the operation or use of a vehicle,
or to the regulation of traffic, in violation of Section 3732 of the Vehicle Code, the
Act of June 17, 1976, P.L. 162, No. 81

SECOND COUNT

That on the same day and year, in the County aforesaid, the above defendant, did
drive a vehicle, while under the influence of alcohol to a degree which rendered
him incapable of safe driving, in violation of Section 3731(a)(1) of the Vehicle
Code, the Act of June 17, 1976, P.L. 162, No. 81

all of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.
(75 Pa. C.S.A., Section 3732)
(75 Pa. C.S.A., Section 3731(a)(1)

Citation of Statute and Section

Approved: 11-19-1980

Citation of Statute and Section

George J. Feltz
Attor for Commonwealth

COMMONWEALTH OF PENNSYLVANIA : In the Court of Common Pleas of
Berks County, Pennsylvania

v.

Kim Blake

Case No. 80146101

Summary Offense

#2 - Driving Vehicle at Safe Speed

SENTENCE UPON A SUMMARY CONVICTION

(Motor Vehicle Offenses, Game Law Offenses, etc.)

AND NOW, this 2nd day of *April*, 1981, defendant is
sentenced to pay a fine in the amount of \$25.00, and costs,
and upon wilful default in payment of said fine and costs, shall undergo
imprisonment for a number of days equal to one day for each (\$10.00) (\$1.00)
(strike out inappropriate amount)
of the balance of fine and costs which remain wilfully unpaid, in the Berks
County Prison.

The defendant shall pay said fine and costs within the first 10
days hereafter as directed by the Berks County Probation Office, all fines and
costs to be paid to the Berks County Probation Office.

BY THE COURT:

J. W. L. J.

COMMONWEALTH OF PENNSYLVANIA : In the Court of Common Pleas of
Berks County, Pennsylvania

v.

Kim Blake

Case No. 80146101

Summary Offense

#3 - Reckless Driving

SENTENCE UPON A SUMMARY CONVICTION

(Motor Vehicle Offenses, Game Law Offenses, etc.)

AND NOW, this 2nd day of April, 1981, defendant is
sentenced to pay a fine in the amount of \$ 125.00, and costs,
and upon wilful default in payment of said fine and costs, shall undergo
imprisonment for a number of days equal to one day for each ~~(\$100.00)~~ (\$1.00)
(strike out inappropriate amount)
of the balance of fine and costs which remain wilfully unpaid, in the Berks
County Prison.

The defendant shall pay said fine and costs within the first 10
days hereafter as directed by the Berks County Probation Office, all fines and
costs to be paid to the Berks County Probation Office.

BY THE COURT:

J. W. Lewis J.

COMMONWEALTH OF PENNSYLVANIA

vs.

KIM BLAKE

IN THE COURT OF COMMON PLEAS
OF BERKS COUNTY, PENNSYLVANIA

CRIMINAL ACTION

No. SUMMARY 80146101

Defendant(s)

INFORMATION

THE DISTRICT ATTORNEY of Berks County by this Information charges that on or about the 14th day
of September, 1980,

KIM BLAKE

FIRST COUNT

the Defendant(s) above named, in the County of Berks, did being the driver of a motor vehicle, did
fail to stop at a clearly marked stop line, or if none, before entering the crosswalk
on the near side of the intersection, or if none, before entering the intersection of
L.R. 157 (W. MAIN STREET) and COLLEGE BLVD., KUTZTOWN, BERKS COUNTY, PA., and/or
failed to remain standing until an indication to proceed was shown, in violation of
Section 3112(a)(3)(1) of the Vehicle Code, the Act of June 17, 1976, P.L. 162 No. 81

SECOND COUNT

That on the same day and year, in the County aforesaid, the above defendant, did
drive a motor vehicle at a speed greater than was reasonable and prudent under the
conditions, having regard to the actual and potential hazards then existing, and/or
at a speed greater than would permit the driver to bring his vehicle to a stop within
the assured clear distance ahead, in violation of Section 3361 of the Vehicle Code, the
all of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.
Act of June 17, 1976, P.L. 162, No. 81
(75 Pa. C.S.A., Section 3112(a)(3)(1)
(75 Pa. C.S.A., Section 3361)

Citation of Statute and Section

(75 Pa. C.S.A., Section 3714)

Citation of Statute and Section

Approved: 11-19-1980

John G. Lutz
Attala for Commonwealth

PAGE 2

KIM BLAKE
80146101

THIRD COUNT

That on the same day and year, in the County aforesaid, the above defendant, did
being the driver of a motor vehicle, did drive in a careless disregard for the
safety of persons or property, in violation of Section 3714 of the Vehicle Code,

the Act of June 17, 1976, P.L. 162, No. 81

N.B.—Constables must not subpoena more than two witnesses and the prosecutor in Assault and Battery cases, and not more than four witnesses and the prosecutor in all other misdemeanor cases, without special allowances of the Court.—Rule of Court, No. 346.

Commonwealth of Pennsylvania
BERKS COUNTY, ss.

Constable Steven E. Miller
80146101 & Summ y

In the Court of Common Pleas -
Criminal Division of Berks County

To: Pt1. Robert L. Gately, Kutztown P.D., Kutztown, PA 2-9
Harold C. Matz, 441 Normal Ave., Kutztown, PA 2-5
Dr. John Keith, C/O Pathology Lab, Reading Hospital, W. Reading, PA 2-3
Dr. D. Christie, Reading Hospital, Rdg., PA 2-3
Dr. William E. Glosser, 1240 Dauphin Ave., Wyoming, PA 2-4
Mary E. Stewart, 2726 Bookert Dr., Baltimore, MD 21225 2-4 *main and certified*
Dr. Harold Mantz, 441 Norman Ave., Kutztown, PA 2-5

DECEASED = MERRY C. HAUK

Greetings: We Command You and Each of You, That setting aside all other business and excuses, you be and appear in your proper person before the Judges of the COURT OF COMMON PLEAS —CRIMINAL DIVISION

to be held at Reading, in and for the County of Berks, on the 9th day of February 19 81, at 9:30 A.M., o'clock in the forenoon of

that day, then and there to testify to the truth to your knowledge between the Commonwealth of Pennsylvania and KIM BLAKE

in a certain Prosecution there pending against said defendant, ON THE PART OF THE COMMONWEALTH, and shall abide and not depart the Court without leave and hereof YOU ARE NOT TO FAIL under the penalty of law.

FREDERICK EDENHARTER

Witness the Honorable W. H. D. Esquire, President Judge of the said Court at Reading, the 2nd day of February 19 81, Anna Domini one thousand

and nine hundred and 81.

meg

Donald R. Dinsinger
Clerk of Common Pleas Criminal Division

SUBP. COST \$ 17.00

MILEAGE COST \$ 30.00

TOTAL COST \$ 47.00

50.00

FORM CCPG 1

N. B.—Constables must not subpoena more than two witnesses and the prosecutor in all other misdemeanor cases, and not more than four witnesses and the prosecutor in all other felony cases, and not more than four witnesses and the prosecutor in all other misdemeanor cases, without special allowances of the Court.—Rule of Court, No. 346.

Commonwealth of Pennsylvania
BERKS COUNTY, ss.

Constable Steve E. Miller
80146101 & Summary

In the Court of Common Pleas -
Criminal Division of Berks County

To

Barbara Held, Kutztown Volunteer Ambulance Service, Keystone Ave. & Noble Sts.
Kutztown, PA 2-3
Kirk Moyer, 502 Highland, Kutztown, PA 2-4
Claire Kramer, 246 Constitution Blvd., Kutztown, PA 2-4
Holly Hildenbrand, 346 W. Main, Kutztown, PA 2-5
Carolyn Bazik, 422 W. Main, Apt. 5, Kutztown, PA 2-5

DECEASED = MERRY C. HAUK

Greetings: We Command You and Each of You, That setting aside all other business and excuses, you be and appear in your proper person before the Judges of the COURT OF COMMON PLEAS —CRIMINAL DIVISION

to be held at Reading, in and for the County of Berks, on the 9th day of February 19 81, at 9:30 A.M. o'clock in the forenoon of that day, then and there to testify to the truth to your knowledge between the Commonwealth of Pennsylvania and KIM BLAKER

in a certain Prosecution there pending against said defendant, ON THE PART OF THE COMMONWEALTH, and shall abide and not depart the Court without leave and hereof YOU ARE NOT TO FAIL under the penalty of law.

FREDERICK EDENHARTER

Witness the Honorable MAX NIXON, Esquire, President Judge of the said Court at Reading, the 2nd day of February Anno Domini one thousand eight hundred and eight.

Subp. COST \$ 73.00

meg

Donald R. Dinsinger
Clerk of Common Pleas Criminal Division

MILEAGE COST \$ 15.00

TOTAL COST \$ 25.00

30.50

FORM LCPO 1

DOCKET TRANSCRIPT
COMMONWEALTH OF PENNSYLVANIA

1. DOCKET NO. OF FINAL ISSUING AUTH.		2. COMMON PLEAS DOCKET NO.		3. STATE IDENTIFICATION NO.		OTN	A	673814-1																																																																																																																																													
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4. FINAL ISSUING AUTHORITY TO BE COMPLETED BY FINAL ISSUING AUTHORITY				5. TRANSFERRED FROM INITIAL ISSUING AUTHORITY																																																																																																																																																	
<p>Mabel E. Blank 120 S. Richmond St. Fleetwood, PA 19522</p>				<p>MAG. DISTRICT NO. 23 3 04</p>																																																																																																																																																	
<p>DEFENDANT NAME & ADDRESS BLAKE, KIM [REDACTED]</p>				<p>MAG. DISTRICT NO. [REDACTED]</p>																																																																																																																																																	
6. NAME & ADDRESS					7. DATE OF TRANSFER		8. DOCKET NO. OF INITIAL ISSUING AUTHORITY																																																																																																																																														
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13. DATE OF ARREST		14. DATE COMM. SIGNED OR CITATION ISSUED		17. SUMMONS		DATE ISSUED	WARRANT	18. DATE RETURNED	19. PRELIMINARY ARRRAIGNMENT DATE	TIME	20. DATE WAIVED TO COURT																																																																																																																																										
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21. PRELIMINARY HEARING DATE & PLACE OF HEARING																																																																																																																																																					
<p>22. On the 14 October day of 1980 The Accused Was:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">A. HOMICIDE BY VEHICLE</td> <td style="width: 10%;">9-14-80</td> <td style="width: 10%;">MVC:3732</td> <td style="width: 10%;">NAU</td> <td style="width: 10%;">[REDACTED]</td> <td style="width: 10%;">[REDACTED]</td> </tr> <tr> <td>B. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE - RESULT 128 BAC</td> <td>9-14-80</td> <td>VC:3731(a)1</td> <td>NAU</td> <td>[REDACTED]</td> <td>[REDACTED]</td> </tr> <tr> <td>C. TRAFFIC CONTROL SIGNALS</td> <td>9-14-80</td> <td>VC:3112(a)(3)(a)1</td> <td>NAU</td> <td>[REDACTED]</td> <td>[REDACTED]</td> </tr> <tr> <td>D. DRIVING VEHICLE AT SAFE SPEED</td> <td>9-14-80</td> <td>VC:3361</td> <td>NAU</td> <td>[REDACTED]</td> <td>[REDACTED]</td> </tr> <tr> <td>E. RECKLESS DRIVING</td> <td>9-14-80</td> <td>VCL3714</td> <td>NAU</td> <td>[REDACTED]</td> <td>[REDACTED]</td> </tr> <tr> <td>F.</td> <td></td> <td></td> <td></td> <td>[REDACTED]</td> <td>[REDACTED]</td> </tr> </table>												A. HOMICIDE BY VEHICLE	9-14-80	MVC:3732	NAU	[REDACTED]	[REDACTED]	B. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE - RESULT 128 BAC	9-14-80	VC:3731(a)1	NAU	[REDACTED]	[REDACTED]	C. TRAFFIC CONTROL SIGNALS	9-14-80	VC:3112(a)(3)(a)1	NAU	[REDACTED]	[REDACTED]	D. DRIVING VEHICLE AT SAFE SPEED	9-14-80	VC:3361	NAU	[REDACTED]	[REDACTED]	E. RECKLESS DRIVING	9-14-80	VCL3714	NAU	[REDACTED]	[REDACTED]	F.				[REDACTED]	[REDACTED]																																																																																																						
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30. ENTER "C" FOR WITNESS FOR COMPLAINANT. - ENTER "D" FOR WITNESS FOR DEFENDANT		31. WITNESSES NAMES AND ADDRESSES [SEE PA. R. CRIM. P. 26 (b) (2)] AND NAMES AND ADDRESSES OF PERSONS (NOT MORE THAN 2), DEFENDANT WISHES TO BE NOTIFIED FOR TRIAL. [SEE PA. R. CRIM. P. 26 (b) (10)].					32. SWORN	33. TESTIFIED	34. DEFENSE PERSONS TO BE NOTIFIED																																																																																																																																												
C. Ptl. Robert Gately, Kutztown Police Dept., Kutztown, PA 19530							No	No																																																																																																																																													
C. Harold C. Matz, 441 Normal Ave., Kutztown, PA 19530							No	No																																																																																																																																													
C. Dr. John Keith, c/o Pathology Lab., Reading Hospital, Reading, PA							No	No																																																																																																																																													
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ATTORNEY FOR COMMONWEALTH		Stuart Suss, ADA																																																																																																																																																			
ATTORNEY FOR COMPLAINANT																																																																																																																																																					
ATTORNEY FOR DEFENDANT		Fred Lanshe, Esq.																																																																																																																																																			
36. DATE OF DECISION		37. JUDGMENT OF SENTENCE																																																																																																																																																			
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COMMONWEALTH OF
PENNSYLVANIA

Kira Blake
v.
Defendant

In the Court of Common Pleas of
Berks County, Pennsylvania -
Criminal Division

: Criminal Action No. PS 146101

: Count No. 2 Driving Under
Influence of Alcohol

ORDER

AND NOW, April 2, 1981, in lieu of sentence, the defendant is released for a period of One year on 1 probation under the supervision of Berks County Probation Office () special probation under the supervision of Pennsylvania Board of Probation and Parole, upon the following conditions: pay costs of prosecution and \$ 500.00 for the use of the county and 1 pay restitution (1 in the sum of \$ _____) as determined by the Berks County Probation Office, during the first 12 months of probationary period, all payments to be made to the Berks County Probation Office. Defendant's probationary period shall commence on

() Expiration of () sentence (1) probationary period, ordered to Criminal Action No. Same Tell Court.

Defendant shall be subject to such conditions governing probation, including a plan for payment of costs, fine and/or restitution, as established by the Berks County Probation Office and/or the Pennsylvania Board of Probation and Parole, as applicable.

Special Conditions:

(1) Defendant shall attend Alcohol Safe Driving Program and pay \$ 65.00 to use of the county for cost of said program within the first thirty days.

(1) Defendant shall undergo evaluation for any alcohol problem and shall participate in such treatment program as directed by the Berks County Probation Office.

BY THE COURT:

Glenn J. Miller
J.

80146101

CRIMINAL COMPLAINT (POLIC)

NABEL E. BLANK

JUSTICE OF THE PEACE
 MAGISTERIAL DISTRICT NO. 23-03-04
 120 S. Richmond St.
 Fleetwood, PA 19522



COMPLAINT NUMBER	YEAR	TYPE	NUMBER
		-3480077701	
Complaint Numbers of Other Participants		3480077401	
INCIDENT NUMBER	UCR NO.	OTN	A 679814-1

COMMONWEALTH OF PENNSYLVANIA

DEFENDANT:

VS.

KIM BLAKE

NAME
 AND
 ADDRESS

U-H-26 DOB
 OPR#16212684

I, PTLM. ROBERT L. GATELY
 (Name of Affiant)

of KITZTOWN POLICE DEPT.

residing at KITZTOWN, PA 19530

do hereby state under oath or affirmation, to the best of my knowledge, information and belief:

(1) I accuse the above named defendant, who lives at the address set forth above or,
 I accuse an individual whose name is unknown to me but who is described as

his nickname or popular designation is unknown to me and, therefore, I have designated him herein as John Doe;
 with violating the penal laws of the Commonwealth of Pennsylvania at ~~At the intersection of the~~ ^(Political Sub-division) ~~intersection of the~~ ^(Political Sub-division)
 intersection of L.R. 157, (W. Main St.), & College Blvd., Kutztown, PA
 in Berks County on or about 9-14-80 at 12:30 P.M.

Participants were (if there were participants, place their names here, repeating the name of above defendant):

(2) The acts committed by the accused were: **① HOMICIDE BY VEHICLE, M-7; DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE, M-111; TRAFFIC CONTROL SIGNALS, 34m.; DRIVING VEHICLE AT SAFE SPEED, 34m.; RECKLESS DRIVING, 34m. of the Vehicle Code**

In that on the above date, time and place, the above named defendant was operating an International Scout bearing Pa. Reg. No. 1P2-250 while under the influence of alcohol to a degree which rendered him incapable of safe driving - breathalyzer result .128 BAC. Defendant did strike a vehicle being driven by Harry C. Hank. Said accident did cause the death of Harry C. Hank. Defendant did fail to stop for a steady red signal before entering the above mentioned intersection and did drive his vehicle in a reckless disregard for the safety of persons or property. Defendant did at that time operate his vehicle at a speed greater than was reasonable & prudent under the existing weather conditions.

---SEE ATTACHED PROBABLE CAUSE FOR FULL DETAILS---
 all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of 3732/2, 331/3112 and 41/434/ ^(action) _(Sub-division) of the Act of PA MOTOR VEH. CODE
3361/3714

or the

Ordinance of

(Political Sub-division)

(3) I ask that a warrant of arrest or a summons be issued and that the accused be required to answer the charges I have made. I swear to or affirm the within complaint upon my knowledge, information and belief, and sign it on

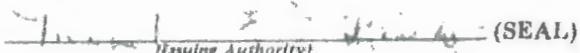
SEPTEMBER 16, 1980, before NABEL BLANK


 (Signature of Affiant)

Personally appeared before me on SEPTEMBER 16, 1980, the affiant above named who, being duly sworn (affirmed) according to law, signed the complaint in my presence and deposed and said that the facts set forth therein are true and correct to the best of affiant's knowledge, information and belief.


 (Issuing Authority) (SEAL)

AND NOW, on this date SEPTEMBER 16, 1980, I certify the complaint has been properly sworn to and executed before me, and that there is probable cause for the issuance of process.


 (Issuing Authority) (SEAL)

23-03-04
 (Magisterial District)

80146101

CRIMINAL COMPLAINT (POLICE)		COMPLAINT NUMBER YEAR TYPE NUMBER		
MABEL E. BLANK		-3480011101		
JUSTICE OF THE PEACE		Complaint Numbers of Other Participants 34800111401		
MAGISTERIAL DISTRICT NO. 23-03-04				
120 S. Richmond St. Fleetwood, PA 19522				
		INCIDENT NUMBER	LICR NO.	OTN
		A 673814-1		



COMMONWEALTH OF PENNSYLVANIA

DEFENDANT:

VS.
KIM BLAKENAME
AND
ADDRESSW-M-26 DOB [REDACTED]
OPR#16212684I, PTLM. ROBERT L. GATELY
(Name of Affiant)of KUTZTOWN POLICE DEPT.
(Identify department or agency represented and political subdivision)R.S.A.
A K Aresiding at KUTZTOWN, PA 19530

do hereby state under oath or affirmation, to the best of my knowledge, information and belief:

(1) I accuse the above named defendant, who lives at the address set forth above or,
 I accuse an individual whose name is unknown to me but who is described as _____

his nickname or popular designation is unknown to me and, therefore, I have designated him herein as John Doe;
with violating the penal laws of the Commonwealth of Pennsylvania at At 6 in the near vicinity of the
intersection of L.R. 157, (W. Main St), & College Blvd., Kutztown, PA (Place, Political Sub-division)
in Berks County on or about 9-14-80 @ 12:50 P.M.

Participants were (if there were participants, place their names here, repeating the name of above defendant):

(2) The acts committed by the accused were: HOMICIDE BY VEHICLE, M-I; DRIVING UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE, M-III; TRAFFIC CONTROL SIGNALS, Summ.; DRIVING VEHICLE AT SAFE SPEED, Summ.; RECKLESS DRIVING, Summ. of the Vehicle Code

In that on the above date, time and place, the above named defendant was operating an International Scout bearing Pa. Reg. No. 1P2-250 while under the influence of alcohol to a degree which rendered him incapable of safe driving - breathalyzer result .128 BAC. Defendant did strike a vehicle being driven by Merry C. Hauk. Said accident did cause the death of Merry C. Hauk. Defendant did fail to stop for a steady red signal before entering the above mentioned intersection and did drive his vehicle in careless disregard for the safety of persons or property. Defendant did at that time operate his vehicle at a speed greater than was reasonable & prudent under the existing weather conditions.

---SEE ATTACHED PROBABLE CAUSE FOR FULL DETAILS---

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of 3730/3 731/3112 and a1/ag1/ of the Act of PA MOTOR VEH. CODE
3361/3714 (Section) (Sub-section)or the _____ Ordinance of _____ (Political Sub-division)

(3) I ask that a warrant of arrest or a summons be issued and that the accused be required to answer the charges I have made. I swear to or affirm the within complaint upon my knowledge, information and belief, and sign it on

SEPTEMBER 16, 1978, before MABEL BLANK*Robert L. Gately*

(Signature of Affiant)

Personally appeared before me on SEPTEMBER 16, 1978, the affiant above named who, being duly sworn (affirmed) according to law, signed the complaint in my presence and deposed and said that the facts set forth therein are true and correct to the best of affiant's knowledge, information and belief.*Mabel E. Blank* (SEAL)
(Issuing Authority)AND NOW, on this date SEPTEMBER 16, 1978, I certify the complaint has been properly sworn to and executed before me, and that there is probable cause for the issuance of process.

23-03-04

(Magisterial District)

Mabel E. Blank (SEAL)
(Issuing Authority)

(A) Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. Neither the evidence nor the statute allegedly violated need be cited, nor shall a citation of the statute allegedly violated, by itself, be sufficient. In a summary case, set forth a citation of the specific section and sub-section of the statute or ordinance allegedly violated

80146104

**COUNTY OF BERKS
23rd JUDICIAL DISTRICT
PROBABLE CAUSE FOR WARRANT OF ARREST**

COMMONWEALTH OF PENNSYLVANIA**VS.****Kim Blake**

A673814-1
O.T.N. NO. 2480011101
DOCKET NO. 3480011401
ARREST NO.

PROSECUTOR Ptlm. Robert L. Gately
ADDRESS Kutztown Police Department
Roeller Alley, Kutztown, Pa. 19530

DEFENDANT (full name) Kim Blake 1-767-6235 A.K.A.
ADDRESS:
DATE OF BIRTH: **RACE** Cauc. **SEX** M **AGE** 26
OPERATOR'S PLATE NO. (PA) 16212684 **SOCIAL SECURITY NO.**

CO-DEFENDANT

CHARGES PA. VEHICLE CODE: Section 3732: Homicide by vehicle(M1); Section 3731(a)(1):
Driving under the influence of alcohol or controlled substance(M3); Section 3112(a)(3)(1):
Traffic-control signals(S); Section 3361: Driving vehicle at safe speed(S); Section 3714:
DATE OF OFFENSE 14 September, 1980 Reckless driving(S).
TIME OF OFFENSE on or about 12:50 p.m.
LOCATION OF OFFENSE At and in the near vicinity of the intersection of L.R. 157
(also known as West Main St) and College Boulevard, Kutztown, Pa.
NATURE OF COMPLAINT INCLUDING PROBABLE CAUSE STATEMENT (NO. OF PAGES) 3

In that the above named defendant did while operating a vehicle traveling east on L.R. 157 (also referred to as West Main Street and old US 222), did at the intersection of L.R. 157 and College Boulevard, where his vehicle was faced by a steady red signal of a traffic-control signal, did fail to stop his vehicle, and/or have it remain standing, before it entered the intersection which is a violation of the Pa. Vehicle Code Section 3112(a)(3)(1): Traffic-control signals. That the above named defendant did at that time operate his vehicle at a speed greater than was reasonable and prudent under the weather and road conditions, being that the road was wet from rain, and in regard to the actual and potential hazards then existing when he approached an intersection, and the special hazards which existed with respect to pedestrians or other traffic and having just passed through a school zone, that would permit him to bring his vehicle to a stop within the assured clear distance ahead, this being a violation of the Pa. Vehicle Code Section 3361: Driving vehicle at safe speed. That the above named defendant did ~~experatexdaxx~~ ~~xxmxx~~ drive his vehicle while under the influence of alcohol to a degree which rendered the person incapable of safe driving, this being a violation of the Pa. Vehicle

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16 DAY OF SEPTEMBER, 19 80.
 MY COMMISSION EXPIRES 1/4/82

SEAL:

AFFIANT: Robert L. Gately
ADDRESS: Kutztown Police Department
Roeller Alley, Kutztown, Pa. 19530

DISTRICT JUSTICE:

(ATTACH COPY OF CRIMINAL COMPLAINT)

page 1 of 3

80146/01

COUNTY OF BERKS
23rd JUDICIAL DISTRICT
PROBABLE CAUSE FOR WARRANT OF ARREST

COMMONWEALTH OF PENNSYLVANIA

VS.

Kim Blake

NATURE OF COMPLAINT INCLUDING PROBABLE CAUSE STATEMENT (cont. from page 1).

Code Section 3731(a)(1) Driving under influence of alcohol or controlled substance.

That in committing the above offenses, the defendant did drive his vehicle in careless disregard for the safety of persons or property which is a violation of the Pa. Vehicle Code Section 3714: Reckless driving.

That the defendant did upon entering the intersection of L.R. 157 and College Boulevard, strike with his vehicle, a vehicle driven by Merry C. Hauk. That in striking the vehicle driven by Merry C. Hauk, did cause that vehicle to strike a vehicle driven by Mary E. Stewart. That this above stated accident did result ~~in~~ while he was engaged in violation of the above stated laws of this Commonwealth applying to the operation or use of a vehicle or to the regulation of traffic. That the above stated accident did cause the death of another person, being Merry C. Hauk. That the above stated facts result in the defendant being in violation of the Pa. Vehicle Code Section 3732: Homicide by vehicle.

On or about 12:50 p.m., Sunday, September 14, 1980, the defendant was driving his vehicle, Internation Scout II, bearing Pennsylvania registration plate 1P2-250, in an easterly direction on L.R. 157. That L.R. 157 is also referred to as West Main Street and old US 222. That as the defendant approached the intersection of L.R. 157 and College Boulevard he was faced by a traffic-control signal showing a steady red signal. That the defendant did drive his vehicle into the intersection without slowing down, that the defendant did drive his vehicle into the intersection without stopping his vehicle. That this action of the defendant was witnesses by one Harold C. Mantz, who resides at 441 Normal Ave., Kutztown, Pa. 19530. That at the above date and time, Harold C. Mantz was in his vehicle which was being driven in a southerly direction on College Boulevard and was at the intersection of College Boulevard and L.R. 157. That the traffic-control signal facing College Boulevard showed a steady green signal at that time.

Furthermore, ~~in~~ ~~intentionally~~ ~~expressing~~ ~~the~~ ~~fact~~ ~~that~~ ~~she~~ ~~was~~ ~~driving~~ ~~her~~ ~~vehicle~~ ~~a~~ ~~maroon~~ ~~Chevrolet~~ ~~Chevelle~~, bearing Maryland registration plate CAK-371. That Stewart had driven her vehicle south on College Boulevard to the intersection of L.R. 157 where she stopped her vehicle, and remained standing until faced by a traffic-control signal showing a steady green signal. That at ~~that~~ ~~time~~ there was another vehicle, also traveling south on College Boulevard, and which had also stopped at the intersection of L.R. 157 and had remained standing there. That this other vehicle was green in color and was of a small size. That this vehicle was occupied by a single female individual.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16 DAY OF SEPT., 1980.
MY COMMISSION EXPIRES 1/4/82

SEAL:

Kim E. Blake
DISTRICT JUSTICE:

AFFIANT: John F. Gately
ADDRESS: Kutztown Police Department
Noeller Alley, Kutztown, Pa. 19530

801461C

COUNTY OF BERKS
23rd JUDICIAL DISTRICT
PROBABLE CAUSE FOR WARRANT OF ARREST

COMMONWEALTH OF PENNSYLVANIA

VS.

Kim Blake

NATURE OF COMPLAINT INCLUDING PROBABLE CAUSE STATEMENT (cont. from page 2).

Stewart stated that when the traffic-control signal facing her showed a steady green signal, she entered the intersection and made a left turn onto West Main Street. West Main Street also being known as L.R. 157 and old US 222. Stewart stated that as she completed the turn her vehicle was struck from the rear. This resulted in Stewart's vehicle being spun to the right, forced up onto the sidewalk and the front end of the vehicle coming to a rest against the front steps of the building occupying the southwest corner lot at the intersection of College Boulevard and West Main Streets.

In addition, Stewart stated that she observed that the green vehicle, which she had noted above as having been traveling ~~on~~ south on College Boulevard, was now resting on the sidewalk in front of 469 West Main Street, and that this vehicle showed accident damage. Stewart also stated that to the immediate west of her vehicle was another vehicle being a International Scout. That this vehicle was along the south curb of West Main Street and was facing west. Stewart stated that she saw only one occupant in the International Scout vehicle and that this subject was a white male who exited the vehicle from the driver's compartment. Stewart stated that when this white male exited his vehicle, she heard him say "What happened?". This white male was later identified as the defendant.

Furthermore, Harold C. Mantz stated that as he was approaching the intersection of College Boulevard and L.R. 157 he observed a International Scout vehicle approaching the intersection, from a westerly direction on L.R. 157. That at this time the traffic-control signal facing College Boulevard was showing a steady green signal. That the International Scout vehicle was observed by him as entering the intersection without stopping, nor did it appear to have slowed. In addition Mantz stated that he observed the International Scout vehicle being occupied by a single male occupant who was in the driver's seat. That this vehicle struck the passenger side of a small green vehicle which had been traveling south on College Boulevard and had entered the center of the intersection of L.R. 157 and College Boulevard. That this collision resulted in the small green vehicle being forced eastward on West Main Street. That the International Scout vehicle continued eastward on L.R. 157 to where it struck a fire hydrant located on the sidewalk at the south east corner of that intersection. The International Scout ~~vehicle~~ vehicle then spun around ~~in~~ 180° and came to a rest along the south curb of L.R. 157 facing a westward direction. Mantz also stated that he observed the small green vehicle come to a rest on the sidewalk in front of 469 West Main Street.

Mantz stated that he approached the International Scout as a white male exited the vehicle and stated "What happened?".

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16 DAY OF SEPT., 1980.
MY COMMISSION EXPIRES 1/4/82.

SEAL: 

AFFIANT: Kim J. Blake
ADDRESS: Kutztown Police Department
Roeller Alley, Kutztown, Pa. 19530

DISTRICT JUSTICE:

80146105

COUNTY OF BERKS
23rd JUDICIAL DISTRICT
PROBABLE CAUSE FOR WARRANT OF ARREST

COMMONWEALTH OF PENNSYLVANIA

VS.
Kim Blake

NATURE OF COMPLAINT INCLUDING PROBABLE CAUSE STATEMENT (cont. from page 4).

On or about 12:50 p.m., Sunday, 14 September, 1980, the Kutztown Police received a report of a vehicle accident occurring at the intersection of West Main Street and College Boulevard. I, Ptlm. Robett L. Gately, Kutztown Police Department, responded to the scene. Observed on the ~~marked~~ sidewalk in front of 469 West Main Street was a ~~small~~ small green Chevrolet bearing Pennsylvania registration plate H93-164. This vehicle showed massive damage to the passenger side of the vehicle, extending into the driver's area. This vehicle was occupied by a single occupant, a white female who sat in the driver's seat. This female was unconscious at the time. This female was later identified as Merry C. Hauk who resided at 432 West Walnut Street, Kutztown, Pa. This female was transported to Reading Hospital by the Kutztown Ambulance.

I observed two vehicle's on the south side of West Main Street. The one vehicle was a maroon Chevrolet, Chevelle, bearing Maryland registration plate CAK-371. The other vehicle was a International Scout II bearing Pennsylvania registration plate 1P2-250. Both vehicles showed damage to their structure. I approached the vehicles and asked who had been driving them. Mary E. Stewart stated that she had been driving the vehicle with Maryland registration plates. The defendant identified himself as the driver of the International Scout II, bearing Pennsylvania ~~registration~~ registration plate 1P2-250.

I asked both individuals to state what they thought had happened. After noticing the smell of alcoholic beverages in the inside of the ~~XXXX~~ International Scout II, I asked the driver if he had been drinking recently. The defendant stated that he had not. The defendant stated that ~~he~~ he would ~~not~~ voluntarily accompany this officer to the Kutztown Police Department ~~xxxxxxxx~~ where he would voluntarily take a ~~xxxx~~ breathalyzer examination to show that he had not recently had any alcoholic beverages.

After the accident scene had been returned to a functioning condition. The above named defendant accompanied this officer to the Kutztown Police station at Roeller Alley, Kutztown, Pa. While there, the defendant was informed that he was not under arrest. That the officer was conducting an accident investigation. The defendant was informed of his constitutional rights. He was informed that he did not have to either give any statement concerning the accident, nor did he have to agree to take a breathalyzer examination. The defendant signed a waiver of constitutional rights and agreed to give a written statement as to the accident. Prior to this waiver of his rights, the defendant was informed that if the accident investigation showed any violations of the vehicle code, they ~~would~~ would result in the appropriate arrests being made. The defendant acknowledged this and stated that he wished to give a statement.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16 DAY OF SEPT. 80
MY COMMISSION EXPIRES 1/6/82 19

SEAL:

Kimberly E. Blake

DISTRICT JUSTICE:

AFFIANT: Robert L. Gately
ADDRESS: Kutztown Police Department
Roeller Alley, Kutztown, Pa. 19530

80146101

**COUNTY OF BERKS
23rd JUDICIAL DISTRICT**

PROBABLE CAUSE FOR WARRANT OF ARREST

COMMONWEALTH OF PENNSYLVANIA

vs.

Kim Blake

NATURE OF COMPLAINT INCLUDING PROBABLE CAUSE STATEMENT (cont. from page 4).

The defendant then gave a statement consisting of four pages concerning the accident and surrounding factors. The defendant was, at the conclusion of his statement, again informed of his constitutional rights, that he was not under arrest at that time, and that he did not have to take the breathalyzer test. The defendant stated that he would take the examination. This officer, being a qualified breathalyzer ~~xxx~~ operator administered the breathalyzer examination to the defendant. ~~xxxxxxxxxx~~ The test showed that the defendant's blood alcohol content was 12%. At this time, the defendant was informed that this figure was in excess of the amount allowed under the Pennsylvania vehicle code for being presumed to be under the influence of alcohol. The defendant was informed that he was not at that time being placed under arrest, however, that I would be consulting the District Attorneys office concerning the case and possible charges. The above named defendant ~~xxxxxxxxxx~~ then departed the Kutztown Police station with friends who he had earlier called to pick him up.

After the defendant departed, I contacted the Reading Hospital concerning the medical condition of Merry C. Hauk. I was informed that she had died. ~~Accompanying~~ I proceeded to the Reading Hospital where I identified the body of a white female, known as Merry C. Hauk, as the same white female involved in the accident at L.R. 157 and College Boulevard, on or about 12:50 p.m., 14 September, 1980. An autopsy was performed on Merry C. Hauk. The ~~pathologist~~ pathologist, Dr. John Keith, who performed the autopsy stated that Merry C. Hauk died from neck and head injuries which would have been consistent with those resulting in automobile accidents.

Charges are filed on information received and investigation conducted.

----- End of Complaint Application -----

Based on the above information and facts, I hereby request a warrent of arrest be issued.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16 DAY OF SEPT., 19 80
MY COMMISSION EXPIRES 1/4/82

SÉAL-

DISTRICT JUSTICE:

Exhibit G
(Barry Shoop Court Records)

COMMONWEALTH

VS

BARRY LEE SHOOP

IN THE COURT OF COMMON PLEAS OF
CUMBERLAND COUNTY, PENNSYLVANIA
245 CRIMINAL 1975
CHARGE: DRIVING UNDER THE INFLUENCE
AFFIANT: PTL. RONALD STILES

RE: DEFENDANT PLEAD GUILTY

ORDER OF COURT

AND NOW, February 28, 1975, at 11:02 a.m., the defendant,
BARRY LEE SHOOP, having appeared in open court, tendered a plea
of guilty, the plea is accepted and recorded,

Sentence is suspended for a period of six (6) months on
condition the defendant pay the costs of prosecution and the
sum of \$250 to the use of the county.

The defendant is given 15 days to pay the costs of
prosecution and the sum to the use of the county.

By the Court,

Clinton B. Bleedner
J.

Edgar B. Bayley, Jr., Esquire
Assistant District Attorney

FILED-OFFICE
CLERK OF COURTS
CUMBERLAND COUNTY
PENNSYLVANIA
MAR 3 1975

In the Courts of Common Pleas of the County of Cumberland

245 **CRIMINAL**

19 75

COMMONWEALTH OF PENNSYLVANIA

vs.

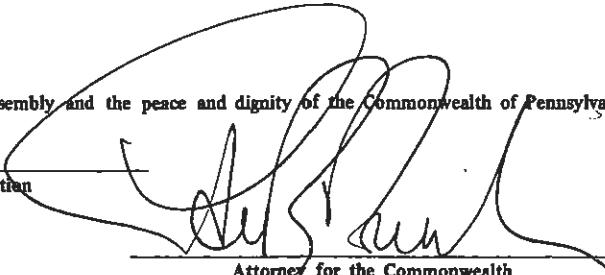
BARRY LEE SHOOP
Sandy Hollow Road
R. D. 1
New Bloomfield, Pennsylvania

COUNTY OF CUMBERLAND, ss:

The Grand Jury of Cumberland County, Pennsylvania, by this Indictment presents that, on (or about) Friday, the 27th day of December , 19 74 , in said County of Cumberland, Barry Lee Shoop, did then and there unlawfully and wilfully operate a certain Ford Truck bearing Pennsylvania Registration Plate No. CC35-774, upon Wertzville Road, a public highway in East Pennsboro Township, Cumberland County, Commonwealth of Pennsylvania, while under the influence of intoxicating liquor or any narcotic drug or habit-producing drug.

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

75 P. S. 1037
Citation of Statute and Section


Attorney for the Commonwealth

Commonwealth Witnesses:

Officer Ronald E. Stiles

CRIMINAL ACTION

245 CRIMINAL 19 75

COMMONWEALTH OF PENNSYLVANIA

vs.

Barry Lee Shoop

Sandy Hollow Road

R. D. 1

New Bloomfield, Pennsylvania

BARRY LEE SHOOP, the defendant being advised of the offense charged in the bill of indictment and of his rights, hereby (in open court) waives action by the grand jury and consents to proceed on the within bill of indictment presented by the attorney for the Commonwealth.

7/14/75
Date

Barry L. Shoop
Defendant

Attorney for Defendant

INDICTMENT

Charge: Driving Under the Influence

AND NOW, this day of
19 , the within Bill of Indictment is

Foreman of Grand Jury

AND NOW, this day of

19 , the Defendant pleads

BARRY LEE SHOOP,
BEING WILLING TO ENTER A PLEA OF
GUILTY TO THE CHARGE CONTAINED
IN THE WITHIN INDICTMENT AND HAVING
NOTIFIED THE DISTRICT ATTORNEY
TO THAT EFFECT AND THE DISTRICT
ATTORNEY HAVING PREPARED PURSU-
ANT TO THAT NOTICE THIS BILL OF
INDICTMENT IN THE USUAL FORM,
SPECIFYING THE CHARGE MADE, DO
HEREBY REQUEST THAT MY PLEA OF
GUILTY BE ENTERED HEREWITHE.

7/14/75
Date

Barry L. Shoop
Defendant

Attorney for Defendant

Et de hoc, District Attorney similiter.

Officer Ronald Stiles

CRIMINAL DOCKET AND TRANSCRIPT



Commonwealth of Pennsylvania
County of Cumberland

SS EP1508

OK
11/15/74
B

vs.

Barry Lee. Shoop
Sandy Hollow Road, R. D. # 1
New Bloomfield, Pa. 17068

DOB [REDACTED]

To the Clerk of the Courts, Cumberland County, Pennsylvania

(1) A hearing in the above captioned matter was held at M., on the day
of 19....., at (hearing place)

(2) The prosecutor in said matter and ^{his} address is:

Ptl. Ronald E. Stiles East Pennsboro Twp. Police Dept./
(name) (address)

(3) The name(s) and address(es) of the defendant(s) are:

Barry Lee Shoop Sandy Hollow Rd., R.D.#1, New Bloomfield, Pa.

(4) The names and addresses of the witnesses who appeared are:

(5) The names and addresses of attorneys in said proceeding are:

Prosecution:

Defense:

(6) The charge against defendant(s) is that On 27 December 1974, did unlawfully then and
there operate a Ford Truck bearing Penna. Registration Plates No. CC35 774 for
1974, Operator's Plate No 13 380 310, while under the influence of intoxicating
liquor.

SECTION 1037, MOTOR VEHICLE CODE

(7) The ~~SUMMONS~~ (or warrant of arrest) was issued 27 December 19 74 and
returned served (12/27/74)
(served or not served)

(8) Hearing continued until the day of 19 at M.
Reason: 20/12/74

(9) The following parties and witnesses were sworn Ptl. Ronald E. Stiles was sworn at time of complaint.

..... (names who were sworn and testified)

(10) In the above matter the made a reasonable effort to settle the differences (Alderman - Justice of the Peace)

between the parties prior to holding a preliminary hearing. The said parties did (not) settle their differences.

(11) After hearing held, it was determined that the evidence and testimony warranted holding the defendant for court and bail was set in \$1.00 Nominal

(12) The nature of the bail posted and the name and address of the corporate surety or individual surety are:

Cash, Barry Lee Shoop
(name) (address)

(13) The defendant requested that the following persons be notified of the time of trial: None

..... (name) (address)

..... (name) (address)

(14) The defendant was advised, 27 December 1974, 19....., of his right to apply for the assignment of counsel.

(15) On 2 January, 1975, the undersigned rendered the following decision:

Defendant signed waiver. All papers returned to Court.

I hereby certify this to be a correct transcript from my docket in the above case.

Edward R. Shoop (Seal)
(Alderman - Justice of the Peace)

CONSTABLE'S COSTS

Executing Warrant & Mileage

Executing Summons & Mileage

Subpoena for Hearing

Officer's Mileage

Commit. for Hearing

Release for Hearing

Commit. for Court

Prisoner's car fare

JUSTICE OF THE PEACE

ALDERMAN'S COSTS

Felony		
Misdemeanor	13	00
Summary conviction		

JAN 7 1975 Custer County Total 13 00

TOTAL \$ Included with Transcript:

Complaint Bail Piece
Warrant Refund of Bail
Waiver of hearing Check for \$1.00
Waiver of Counsel

PENNSYLVANIA
CLERK OF COURTS
CUMBERLAND COUNTY
FILED-OFFICE

JUSTICE OF THE PEACE	YEAR	NUMBER
MAGISTERIAL DISTRICT NO. 09-1-02	1974	E91508
(Address) 800 N. Front St.		
Pennsboro Center		
Wormleysburg, Pa. 17043		

COMPLAINT NO.	YEAR	NUMBER
1974	E91508	
COMPLAINT NUMBERS OF OTHER PARTICIPANTS		

CRIMINAL COMPLAINT (POLICE)

I, Officer Ronald E. Stiles
(Name of Affiant)

of East Pennsboro Township Police
(Identify department or agency represented and political subdivision)

residing at _____

do hereby state under oath or affirmation, to the best of my knowledge, information and belief:

(1) I accuse the above-named defendant, who lives at the address set forth above
or,
(Check applicable box) I accuse an individual whose name is unknown to me but who is described as _____

His nickname or popular designation of is unknown to me
and, therefore, I have designated him herein as John Doe

vehicle *Westerville* (Political subdivision)
with violating the 1959 laws of the Commonwealth of Pennsylvania at East Pennsboro Township
at 4:20 P.M. in Cumberland County on or about Friday, December 27, 1974
(if the date or day of week is an essential element of offense charged, the day or date must be specifically set forth.)

Participants were (If there were participants, place their names here, repeating the name of above defendant):

Barry Lee Shoop

(2) The acts committed by the accused were: that he (she) did unlawfully then and there operate a Ford
Truck bearing Penna. Registration Plates No. CC35-774 for 1974,
Validating Sticker No. _____, for 19_____, Operator's Plate No. 13-380-310 while
under the influence of intoxicating liquor or any narcotic drug or habit producing drug;

or

that he (she) permitted _____, to operate a _____,
owned by _____, or in _____ custody or control, bearing _____
Registration Plates No. _____ for 19_____, Validating Sticker No. _____,
for 19_____, Operator's Plate No. _____, while under the influence of intoxicating
liquor or narcotic or habit producing drug;

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in
violation of 1037 (Section) and _____ (Sub-section) of the _____

Act of 1959, April 29, XXXXXXXXXXXXXXXXXX of _____
P.L. 58, The Vehicle Code of Pennsylvania, as further amended. (75 P.S. 1037) (Political Subdivision)

(3) I ask that a warrant of arrest or a summons be issued and that the accused be required to answer the charges I have made.

EXECUTED this 27 December day of 1974
The information contained herein was received from Ronald E. Stiles of the East Pennsboro Police Dept. *Ronald E. Stiles*
(Signature of Affiant)

and is believed by the affiant to be true and correct.

AND NOW, this date December 27 1974, I certify the complaint has been properly sworn to and executed
before me, and I believe the within affiant to be a responsible person and that there is probable cause for the issuance of
process.

09-3-01
(Magisterial District)

Ross A. McAllister (SEAL)
(Issuing Authority)

* Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. Neither the evidence nor the statute allegedly violated need be cited, nor shall a citation of the statute allegedly violated, by itself, be sufficient.

WAIVER
(R140)

On _____, 197_____, I appeared before _____,
Magisterial District _____, who delivered to me a copy of the foregoing Complaint,
and I hereby waive preliminary hearing and consent to be bound over to court.

(Defendant)

(Attorney for Defendant)

(Address of Attorney)

Exhibit H

(Carl Fareri Court Records)

8303833

3



COMMONWEALTH OF PENNSYLVANIA

5-26-83 F.A.

VS

4-5-83 DATE FILED

CARL FARELI

10-2-83 C.F.T.D.

JUDGE _____

CC NO. 8303833A

A.D.A. _____

OTN NO. B180216-1

DEFT. _____

PRE-TRIAL DATE 5-16-83

REPORTER _____

ACTOR'S Race W Sex M

MINUTE CLERK _____

D.O.B. _____ SOC SEC# _____

Case No(s)-Name(s)

MAY 19 1983

1st Count: BURGLARY (Section 3502)

2nd Count: THEFT BY UNLAWFUL TAKING OR DISPOSITION (Section 3921(a))

3rd Count: RECEIVING STOLEN PROPERTY (Section 3925) Rep: W. HEDER

And Now AUG 25 1983 defendant's
motions to Suppress are
hereby denied (See Order filed)

By the Court

M. Geiger, Jr.

APPROVED FOR ARD

SEE ORDER FILE

JUDGE *P. Hauser* DATE 8-16-84

D.A. *M. Tell* DEFT. ATTY. *Raymond Radakovich*

REP. *Parryshak*

VIOLATION	COUNTY
CONSTABLE FEE	\$ -
VOUCHER #	
FILE #	143436
AMOUNT	\$ 154.00
RESTITUTION	\$ 154.00

COUNTY	CONSTABLE FEE
	\$ 225
VOUCHER #	00609-39
FILE #	138671
AMOUNT	\$ 198.05
RESTITUTION	\$ 150.00

COST PAID

(See Inside)

Date: JAN 31 1985 19

Courtroom No. 1

Before J. R. Murgor Judge

N. Williams Trial A.D.A.

R. Radakovich Def. Attorney

W. H. Egan Court Reporter

The Defendant, present in open court
with counsel, pleads guilty to the
preferred charges in Case No. 1063A
in the willful information.

X Carl Stoen

Record verified by:

W. H. Egan

Minute Clerk

JAN 31 1985

19

On payment of costs of prosecution by County.

Defendant released on probation for a period

of Five (5) years less 6 months CLERK TO FILE

in custody of Probation Officer upon conditions. This is a probation.

Defendant to reimburse County for costs SEE

ORDER FILED. Clerk of Courts to set up

terms of payment and collect fine, costs and

incarceration during probation period.

Defendant to pay costs as arranged by Clerk of
Courts. This probation to run concurrent
with Probation of C.R. #1063A.

B. Stoen
W. H. Egan, Jr.

IN THE COURT OF COMMON PLEAS
COUNTY OF ALLEGHENY
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

VS.

CARL FARELI

Criminal Action No: CC 8303833A

The District Attorney of Allegheny County by this information charges that on (or about) February 20, 1983 in the said County of Allegheny CARL FARELI hereinafter called actor, did commit the crime or crimes indicated herein; that is:

35020A Count 1 BURGLARY Felony 1

The actor entered a building or occupied structure or separately secured or occupied portion thereof; namely, the Supersonic Car Wash at 1535 Banksville Road, Pittsburgh, with the intent to commit a crime therein, at a time when the premises were not open to the public and the actor was not licensed or privileged to enter, in violation of Section 3502 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §3502.

39212A Count 2 THEFT BY Misdemeanor 1
UNLAWFUL TAKING
OR DISPOSITION

The actor unlawfully took or exercised unlawful control over movable property, namely, a safe containing \$212.00 in U.S. Currency, belonging to the Supersonic Car Wash, with the intent to deprive the owner thereof in violation of Section 3921(a) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §3921(a).

39252A Count 3

RECEIVING STOLEN
PROPERTY

Misdemeanor 1

The actor intentionally received, retained or disposed of movable property, namely, a safe containing \$212.00 in U.S. Currency, belonging to the Supersonic Car Wash, with no intent to restore it to the owner, knowing that such property was stolen or believing that it had probably been stolen, in violation of Section 3925 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §3925.

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

Roger E. Colville Jr. Esq.
Attorney for the Commonwealth

B0459 / May , 16 , 19 83
A

Page 2 of 2

CC NO. 8303833A

COMMONWEALTH OF PENNSYLVANIA

VS

CARL FARELI

RECEIPT OF COPY OF INFORMATION

I hereby certify that I have received a copy of the information filed by the District Attorney in the above-captioned action.

DEFENDANT

DEFENDANT'S COUNSEL OF RECORD

Carl N. Fareri
SIGNATURE

5/26/83
DATE

MAGISTERIAL DISTRICT NO.

(Address)

CRIMINAL COMPLAINT (POLICE)

1. Arthur Day or Edward Roberts

(Name of Affiant)

of # 7 Station

(Identify department or agency represented and political subdivision)

(1) I accuse the defendant, who lives at the address set forth herein or, I accuse an individual whose name is unknown to me but who is(Check described as _____
applicable
box) His nickname or popular designation is unknown to me and, therefore, I have designated him herein as John Doe; with violating the penal laws of the Commonwealth of Pennsylvania atCity of Pittsburghin Allegheny County on or about February 20, 1983

(If the date or day of week is an essential element of offense charged, the day or date must be specifically set forth.)

Participants were (if there were participants, place their names here, repeating the name of above defendant):

(2) The acts committed by the accused were: A Burglary-3502, Theft-3921, R.S.P.-3925 That on or about February 20, 1983, in the County of Allegheny, unlawfully and feloniously did enter a certain building or occupied structure located at 1535 Banksville Road (Supersonic Car Wash) owned by Mark Segall with the intent to commit a crime therein:to-wit, the crime of theft of moveable property. That on the day and year aforesaid, and in the aforesaid county, unlawfully and feloniously did take and exercise unlawful control over certain moveable property of another, to-wit: A safe containing \$212.00 of the property of the Supersonic Car Wash with the intent to deprive them thereof. That on the day and year aforesaid, and in the aforesaid county, unlawfully and feloniously did then and there intentionally receive certain moveable property as herein set forth of the property of Mark Segall then and there knowing property had been stolen or probably been stolen with the intent to deprive the owner thereof.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly.

(3) I ask that a warrant of arrest or a summons be issued and that the accused be required to answer the charges I have made, and I swear to or affirm the within complaint upon my knowledge, information and belief, sign it on 10, before 3502-3921-3923, whose office is that ofCOMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY ss.Personally appeared before me on 4-5-, 1983, the affiant above named who, being duly sworn (Affirmed) according to law, signed this complaint in my presence and deposed and said that the facts set forth therein are true and correct to the best of affiant's knowledge, information and belief.AND NOW, this date 4-5 1983, I certify the complaint has been properly sworn to and executed before me, and that there is probable cause for issuance of process.

(Magisterial District)

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA



OFFENDER'S NAME <i>Carl Farcei</i>	OFFENDER'S SEX <input checked="" type="checkbox"/> MALE / <input type="checkbox"/> FEMALE	OFFENDER'S RACE <input checked="" type="checkbox"/> WHITE / <input type="checkbox"/> BLACK / <input type="checkbox"/> HISPANIC / <input type="checkbox"/> OTHER	COMMISSION IDENTIFICATION 55803
JUDGE'S NAME <i>M. K. Morgan</i>	COUNTY <i>Allegheny</i>		STATE IDENTIFICATION NUMBER 15207981
NAME OF PERSON COMPLETING FORM <i>Parvana</i>	DATE OF SENTENCE <i>1/31/85</i>		DOCKET NUMBER 8703832

II. PRIOR RECORD SCORE - DO NOT COMPLETE IF ONLY CURRENT CONVICTION IS DUI

	PRIOR JUV. ADJUDICATIONS	PRIOR ADULT CONVICTIONS	SUM	X GUILDELINE POINTS	SUB TOTAL	Number of PRIOR CONVICTIONS for DUI
A. MURDER	+	=	X	3		
B. VOLUNTARY MANSLAUGHTER	+	=	X	3		
C. RAPE	+	=	X	3		
D. INVOL. DEVIATE SEXUAL INTER.	+	=	X	3		
E. KIDNAPPING	+	=	X	3		
F. ARSON (Endangering Person-Felony I)	+	=	X	3		
G. ROBBERY (Felony I)	+	=	X	3		
H. BURGLARY	+	=	X	2		
I. AGGRAVATED ASSAULT (Felony II)	+	=	X	2		
J. OTHER FELONY I's and FELONY II's	+	=	X	2		
K. FELONY DRUG OFFENSES	+	=	X	2		
L. FELONY III's	+	=	X	1		
M. WEAPON MISDEMEANORS	+	=	X	1		
OTHER MISDEMEANORS	If 2 or 3 prior convictions, enter 1; If 4 or more enter 2					
TOTAL (cannot exceed "6")						PRIOR RECORD SCORE = <i>0</i>

V. GUIDELINES/SENTENCES

CONVICTION NUMBER - 1						
NAME OF OFFENSE	TITLE AND SECTION	GRADING	OTN	OFFENSE GRAVITY SCORE	PRIOR RECORD SCORE	
<i>Burglary</i>	<i>18 3502</i>	<i>F1</i>	<i>B180216-1</i>	<i>5</i>	<i>0</i>	
DEADLY WEAPON ENHANCEMENT	IF YES - ADD ENHANCED MONTHS TO GUIDELINE RANGES SEE § 303.4		MINIMUM RANGE	AGGRAVATED RANGE	MITIATED RANGE	
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES - SPECIFY			<i>0-12</i>	<i>12-18</i>	<i>N/C</i>	
SENTENCE IMPOSED:	SENTENCE UNDER:					Note - If Consecutive Incarceration Sentences Are Imposed Complete Section VI
<input checked="" type="checkbox"/> PROBATION <i>60</i> MOS.	<input type="checkbox"/> Mandatory Law (check all applicable): <input type="checkbox"/> Repeat Offender <input type="checkbox"/> Firearm <input type="checkbox"/> Public Transportation <input type="checkbox"/> Other					
<input type="checkbox"/> COUNTY INCARCERATION MIN. <i> </i> MOS.	<input type="checkbox"/> Minimum Guideline Range					
<input type="checkbox"/> STATE INCARCERATION MAX. <i> </i> MOS.	<input type="checkbox"/> Aggravated Guideline Range - Complete Section VII					
<input type="checkbox"/> FINE \$ <i> </i>	<input type="checkbox"/> Mitigated Guideline Range - Complete Section VII					
<input type="checkbox"/> RESTITUTION \$ <i> </i>	<input type="checkbox"/> Outside Guideline Range - Complete Section VIII					
COMMENTS: <i>Suggested</i>						

CONVICTION NUMBER - 2						
NAME OF OFFENSE	TITLE AND SECTION	GRADING	OTN	OFFENSE GRAVITY SCORE	PRIOR RECORD SCORE	
<i>Theft</i>	<i>18 3921</i>	<i>M1</i>	<i>B180216-1</i>	<i>7</i>	<i>0</i>	
DEADLY WEAPON ENHANCEMENT	IF YES - ADD ENHANCED MONTHS TO GUIDELINE RANGES SEE § 303.4		MINIMUM RANGE	AGGRAVATED RANGE	MITIATED RANGE	
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES - SPECIFY			<i>0-12</i>	<i>12-18</i>	<i>N/C</i>	
SENTENCE IMPOSED:	SENTENCE UNDER:					Note - If Consecutive Incarceration Sentences Are Imposed Complete Section VI
<input type="checkbox"/> PROBATION <i> </i> MOS.	<input type="checkbox"/> Mandatory Law (check all applicable): <input type="checkbox"/> Repeat Offender <input type="checkbox"/> Firearm <input type="checkbox"/> Public Transportation <input type="checkbox"/> Other					
<input type="checkbox"/> COUNTY INCARCERATION MIN. <i> </i> MOS.	<input type="checkbox"/> Minimum Guideline Range					
<input type="checkbox"/> STATE INCARCERATION MAX. <i> </i> MOS.	<input type="checkbox"/> Aggravated Guideline Range - Complete Section VII					
<input type="checkbox"/> FINE \$ <i> </i>	<input type="checkbox"/> Mitigated Guideline Range - Complete Section VII					
<input type="checkbox"/> RESTITUTION \$ <i> </i>	<input type="checkbox"/> Outside Guideline Range - Complete Section VIII					
COMMENTS: <i>Suggested</i>						

CONVICTION NUMBER - 3						
NAME OF OFFENSE	TITLE AND SECTION	GRADING	OTN	OFFENSE GRAVITY SCORE	PRIOR RECORD SCORE	
<i>RSP</i>	<i>18 3925</i>	<i>M1</i>	<i>B180216-1</i>	<i>3</i>	<i>6</i>	
DEADLY WEAPON ENHANCEMENT	IF YES - ADD ENHANCED MONTHS TO GUIDELINE RANGES SEE § 303.4		MINIMUM RANGE	AGGRAVATED RANGE	MITIATED RANGE	
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES - SPECIFY			<i>0-12</i>	<i>12-18</i>	<i>N/C</i>	
SENTENCE IMPOSED:	SENTENCE UNDER:					Note - If Consecutive Incarceration Sentences Are Imposed Complete Section VI
<input type="checkbox"/> PROBATION <i> </i> MOS.	<input type="checkbox"/> Mandatory Law (check all applicable): <input type="checkbox"/> Repeat Offender <input type="checkbox"/> Firearm <input type="checkbox"/> Public Transportation <input type="checkbox"/> Other					
<input type="checkbox"/> COUNTY INCARCERATION MIN. <i> </i> MOS.	<input type="checkbox"/> Minimum Guideline Range					
<input type="checkbox"/> STATE INCARCERATION MAX. <i> </i> MOS.	<input type="checkbox"/> Aggravated Guideline Range - Complete Section VII					
<input type="checkbox"/> FINE \$ <i> </i>	<input type="checkbox"/> Mitigated Guideline Range - Complete Section VII					
<input type="checkbox"/> RESTITUTION \$ <i> </i>	<input type="checkbox"/> Outside Guideline Range - Complete Section VIII					
COMMENTS: <i>Suggested</i>						

DATE OF APPLICATION

DATE OF VIOLATION (CRIME)

WARRANT CONTROL NO.

Being Duly sworn (or affirmed) before me according to law, deposes and says that there is probable cause to believe that the crime hereinafter mentioned was committed by the particular person hereinabove named. Your affiant believes that probable cause existed to arrest based upon the following facts and instances:

WHEN:

a) WHEN AFFIANT RECEIVED INFORMATION.

2-20-83, Statement by Actor Farrelli,

b) WHEN THE SOURCE OF INFORMATION (POLICE OFFICERS, INFORMANT, VICTIM OR CO-DEFENDANT OR DEFENDANT ETC.) RECEIVED INFORMATION.

2-20-83, from Carl Farrelli
 checked with #8 Station to the report of this crime.

HOW:

a) HOW AFFIANT KNOWS THIS PARTICULAR PERSON COMMITTED THE CRIME (PERSONAL OBSERVATIONS ON INFORMATION RECEIVED AND/OR DEFENDANT'S (3) Actor(s) Apprehended 2-20-83 in Hewlett PK

ADMISSIONS) AND/OR WITH A SAFE BELONGING TO SUPER-SONIC CAR WASH
 SAFE I.D. BY MANAGER MARK SEGAU

b) HOW THE SOURCE OF INFORMATION KNOWS THIS PARTICULAR PERSON COMMITTED THE CRIME (PERSONAL OBSERVATIONS ON INFORMATION RECEIVED AND/OR DEFENDANT'S ADMISSIONS)

Defendant's Admissions to this crime
 Also implicating (3) other actors to all the charges
 3502, 3921, 3925, ■■■■■

c) HOW BOTH AFFIANT AND/OR SOURCE OF INFORMATION KNOW THAT A PARTICULAR CRIME HAS BEEN COMMITTED (PERSONAL OBSERVATIONS, INFORMATION RECEIVED AND/OR DEFENDANT'S ADMISSIONS)

Defendant's Admissions, Personal observation
 of the Super Sonic Car Wash and
 Information from the manager Mark Segau

3. WHAT CRIME(S): Burglary, Theft, Receiving Stolen Goods and Conspiracy

4. WHERE CRIME(S) COMMITTED: 1535 BANKSVILLE RD Super-Sonic Car Wash

5. WHY AFFIANT BELIEVES THE SOURCE OF INFORMATION (RELIABILITY):

(i) SOURCE IS PRESUMED RELIABLE, I.E. OTHER POLICE OFFICERS AND/OR EYEWITNESS OR VICTIM OF CRIME AND/OR ADMISSIONS BY DEFENDANT OR CO-DEFENDANT

Admissions by Defendant:

(ii) SOURCE HAS GIVEN INFORMATION IN THE PAST WHICH LED TO ARREST AND/OR CONVICTION (GIVE NAME OF DEFENDANT IN PRIOR CASE, DATE AND CRIME TYPE)

(iii) DEFENDANT'S REPUTATION FOR CRIMINAL ACTIVITY:

(iv) SOURCE OF INFORMATION MADE DECLARATION AGAINST HIS PENAL INTERESTS RELATING TO THE ABOVE DEFENSE(S) made statements to Night Plainclothes Officers Frank Butler. (was a 6 hr arraignment.)

(v) AFFIANT AND/OR OTHER POLICE OFFICERS CORROBORATED DETAILS OF THE INFORMATION.

5. STATEMENT OR ANY OTHER PERTINENT INFORMATION WITHIN THE PERSONAL KNOWLEDGE OF THE AFFIANT TO JUSTIFY THIS APPLICATION:

SHOWN TO AND SUBSCRIBED before me this 5 day of February, 1983

Arthur J. Day

Signature of Affiant

5440 Dorothy Place Rd. Pa 19106

Signature and Seal of Issuing Authority

IN THE COURT OF COMMON PLEAS OF ALLEGHENY CO.
CRIMINAL DIVISION

PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

VS.

Carl Tanenri

CRIMINAL ACTION NUMBER

8411063-A

MOTION OF DISTRICT ATTORNEY FOR PARTIAL NOLLE PROSSER

The District Attorney of Allegheny County hereby moves for Nolle Prosser of the following charges only of the several charges held for Court in the above captioned case for the reason or reasons listed below:

CHARGES TO BE NOLLE PROSSEDCHARGE CODE

Signature 39212

 EVIDENCE PROBLEMS WITNESS PROBLEMS PROSECUTORIAL MERIT LACKING SUPPRESSION PROBLEMS JURISDICTIONAL OTHEREXPLANATION: *Signature*

JAIL	BAIL FOR	NEY PP	MH COMM
------	-------------	-----------	------------

Date: *Signature*

Signature

ADA: *Signature*CODE: *Signature*DATE: 11-16-84APPROVED: *Signature*



SEE ORDER FILED FOR
PARTIAL NOLLE PROS

COMMONWEALTH OF PENNSYLVANIA

vs

CARL FARERT

1 F1

11-13-84

F.A.

6-19-84

Date Filed

12-16-84

C.F.T.D.

Judge _____

C.C. No. 8411063A

A.D.A. _____

O.T.N. No. B236014-2

Deft. _____

B.C.I. No. 151476

Reporter _____

Pre-Trial Date 11-7-84

Minute Clerk _____

Actor's Race W Sex M

D.O.B. [REDACTED] SS# [REDACTED]

Place of Birth NOV 09 1984

JAN 31 1985

TG

1st. Count: BURGLARY (Section 3502)

On payment of costs of prosecution by County, Defendant released on probation for a period of ~~18~~ (18) Years less 6 Months Credit for Time in custody of Probation Officer upon conditions. Defendant to reimburse County for costs. SEE ORDER FILED. Clerk of Courts to set up terms of payment and collect fine, costs and restitution during probation period.

2nd. Count: CRIMINAL CONSPIRACY (Section 903(a)(1))

Date: JAN 31 1985, 19

SPRINGFIELD No. 6

Before J.K. Mccoy, Judge

A. Johnson, Trial A.D.A.

R. DeLoach, Def. Attorney

W. Heppner, Court Reporter

The Defendant present in open court with counsel, pleads guilty to the preferred charges in the within information.

Carl Farert

Record verified by

W. Heppner

Minute Clerk

COURT	
CONSTITUTIONAL	
S. 1100	
VOLUME # 90	
FILE # 14343	
AMOUNT \$ 185.00	
DUE DATE 7/24	
\$ 399.50	

By the Court
J. K. McCoy, Jr.

IN THE COURT OF COMMON PLEAS
COUNTY OF ALLEGHENY
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

VS.

CARL FARERI

Criminal Action No.: CC 8411063A

The District Attorney of Allegheny County by this information charges that on (or about) February 14, 1983 in the said County of Allegheny CARL FARERI hereinafter called actor, did commit the crime or crimes indicated herein; that is:

35020A Count 1 BURGLARY Felony 1

The actor entered a building or occupied structure or separately secured or occupied portion thereof; namely, Joe Barone's Cafe at 146 Brownsville Road, Mt. Oliver, with the intent to commit a crime therein, at a time when the premises were not open to the public and the actor was not licensed or privileged to enter, in violation of Section 3502 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §3502.

Page 1 of 2

09031A Count 2

CRIMINAL CONSPIRACY

Felony 2

The actor, with the intent of promoting or facilitating the crime of burglary as charged above conspired and agreed with Paul Schnelzer that they or one or more of them would engage in conduct constituting such crime or crimes, and in furtherance thereof did commit the overt act of together committing the crimes in violation of Section 903(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. §903(a)(1).

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.


Mike Chille
Attorney for the Commonwealth

B0459 / November 7, 1984
Page 2 of 2

C.C. No. 8411063A

COMMONWEALTH OF PENNSYLVANIA

v/s

CARL FARERI

RECEIPT OF COPY OF INFORMATION

I hereby certify that I have received a copy of the information filed by the District Attorney in the above-captioned action.

/ / DEFENDANT

/ / DEFENDANT'S COUNSEL OF RECORD

Carl Fareri
SIGNATURE

DATE

11-13-84

OFFENDER'S NAME FARRELL, CARL	OFFENDER'S SEX <input checked="" type="checkbox"/> MALE / <input type="checkbox"/> FEMALE	OFFENDER'S BIRTHDATE [Redacted]	COMMISSION IDENTIFICATION 147410
JUDGE'S NAME McGivney	OFFENDER'S RACE <input checked="" type="checkbox"/> WHITE / <input type="checkbox"/> BLACK / <input type="checkbox"/> HISPANIC / <input type="checkbox"/> OTHER	COUNTY Allegheny	STATE IDENTIFICATION NUMBER 15207981
NAME OF PERSON COMPLETING FORM Robotic	DATE OF SENTENCE 1-31-85	DOCKET NUMBER 844063	

II. PRIOR RECORD SCORE - DO NOT COMPLETE IF ONLY CURRENT CONVICTION IS DUI

	PRIOR JUV ADJUDICATIONS	PRIOR ADULT CONVICTIONS	SUM	X GUILDELINE POINTS	SUB TOTAL	Number of PRIOR CONVICTIONS for DUI	
A. MURDER	+	=	X	3			
B. VOLUNTARY MANSLAUGHTER	+	=	X	3			
C. RAPE	+	=	X	3			
D. INVOL. DEVIATE SEXUAL INTER.	+	=	X	3			
E. KIDNAPPING	+	=	X	3			
F. ARSON (Endangering Person-Felony I)	+	=	X	3			
G. ROBBERY (Felony I)	+	=	X	3			
H. BURGLARY	+	=	X	2			
I. AGGRAVATED ASSAULT (Felony II)	+	=	X	2			
J. OTHER FELONY I's and FELONY II's	+	=	X	2			
K. FELONY DRUG OFFENSES	+	=	X	2			
L. FELONY III's	+	=	X	1			
M. WEAPON MISDEMEANORS	+	=	X	1			
OTHER MISDEMEANORS	If 2 or 3 prior convictions, enter 1; If 4 or more enter 2						
TOTAL (cannot exceed "6")						PRIOR RECORD SCORE = 0	

V. GUIDELINES/SENTENCES

NAME OF OFFENSE	TITLE AND SECTION	GRADING	OTN	OFFENSE GRAVITY SCORE	PRIOR RECORD SCORE
Robbery	18 83502	F1	B236014-2	5	0
DEADLY WEAPON ENHANCEMENT	IF YES ADD ENHANCED MONTHS TO GUIDELINE RANGES SEE § 303.4	MINIMUM RANGE	AGGRAVATED RANGE	MITIGATED RANGE	
<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES - SPECIFY		0-12	12-18	N/K	
SENTENCE IMPOSED:	SENTENCE UNDER:				Note - If Consecutive Incarceration Sentences Are Imposed
<input checked="" type="checkbox"/> PROBATION 60 MOS.	<input type="checkbox"/> Mandatory Law (check all applicable): <input type="checkbox"/> Repeat Offender <input type="checkbox"/> Public Transportation <input checked="" type="checkbox"/> Minimum Guideline Range				Complete Section VI
<input type="checkbox"/> COUNTY INCARCERATION MIN. MOS.	<input type="checkbox"/> Firearm <input type="checkbox"/> Other				
<input type="checkbox"/> STATE INCARCERATION MAX. MOS.					
<input type="checkbox"/> FINE \$ 					
<input type="checkbox"/> RESTITUTION \$ 					
COMMENTS: 					

CONVICTION NUMBER - 2

NAME OF OFFENSE	TITLE AND SECTION	GRADING	OTN	OFFENSE GRAVITY SCORE	PRIOR RECORD SCORE
Cr. Conspiracy	18 592(h)(1)	F2	B236014-2	4	0
DEADLY WEAPON ENHANCEMENT	IF YES - ADD ENHANCED MONTHS TO GUIDELINE RANGES SEE § 303.4	MINIMUM RANGE	AGGRAVATED RANGE	MITIGATED RANGE	
<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES - SPECIFY		0-12	12-18	N/K	
SENTENCE IMPOSED:	SENTENCE UNDER:				Note - If Consecutive Incarceration Sentences Are Imposed
<input type="checkbox"/> PROBATION MOS.	<input type="checkbox"/> Mandatory Law (check all applicable): <input type="checkbox"/> Repeat Offender <input type="checkbox"/> Public Transportation <input checked="" type="checkbox"/> Minimum Guideline Range				Complete Section VI
<input type="checkbox"/> COUNTY INCARCERATION MIN. MOS.	<input type="checkbox"/> Firearm <input type="checkbox"/> Other				
<input type="checkbox"/> STATE INCARCERATION MAX. MOS.					
<input type="checkbox"/> FINE \$ 					
<input type="checkbox"/> RESTITUTION \$ 					
COMMENTS: 					

CONVICTION NUMBER - 3

NAME OF OFFENSE	TITLE AND SECTION	GRADING	OTN	OFFENSE GRAVITY SCORE	PRIOR RECORD SCORE
DEADLY WEAPON ENHANCEMENT	IF YES - ADD ENHANCED MONTHS TO GUIDELINE RANGES SEE § 303.4	MINIMUM RANGE	AGGRAVATED RANGE	MITIGATED RANGE	
<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES - SPECIFY					
SENTENCE IMPOSED:	SENTENCE UNDER:				Note - If Consecutive Incarceration Sentences Are Imposed
<input type="checkbox"/> PROBATION MOS.	<input type="checkbox"/> Mandatory Law (check all applicable): <input type="checkbox"/> Repeat Offender <input type="checkbox"/> Public Transportation <input checked="" type="checkbox"/> Minimum Guideline Range				Complete Section VI
<input type="checkbox"/> COUNTY INCARCERATION MIN. MOS.	<input type="checkbox"/> Firearm <input type="checkbox"/> Other				
<input type="checkbox"/> STATE INCARCERATION MAX. MOS.					
<input type="checkbox"/> FINE \$ 					
<input type="checkbox"/> RESTITUTION \$ 					
COMMENTS: 					

986-1-31-85

MAGISTERIAL DISTRICT NO. 05-15.
 A.M. Scharding
 500 Brownsville Rd. 15210

CRIMINAL COMPLAINT (POLICE)

I, Greg Schank or Ray Leive
 (Name of Affiant)

of Mt. Oliver Police
 (Identify department or agency represented and political subdivision)

(1) I accuse the defendant, who lives at the address set forth herein
 or,
 I accuse an individual whose name is unknown to me but who is

(Check described as _____
 (Check applicable box)

His nickname or popular designation is unknown to me and, therefore, I have designated him herein as John Doe,
 with violating the penal laws of the Commonwealth of Pennsylvania at _____

Mt. Oliver

in Allegheny County on or about February 14, 1983
 (if the date or day of week is an essential element of offense charged, the day or date must be specifically set forth.)

Participants were (if there were participants, place their names here, repeating the name of above defendant):

Carl Ferrare & Paul Schnelzer

(2) The acts committed by the accused were: A: Burglary-3502 & Conspiracy-903

That on or about February 14, 1983, in the County of Allegheny, unlawfully and feloniously did enter a certain building or occupied structure located at 146 Brownsville Rd. (Joe Barone's Cafe) owned by Joe Barone with the intent to commit a crime therein, to-wit: The crime of theft of moveable property.

That on the day and year aforesaid, and in the aforesaid county, unlawfully and feloniously within the past two years did agree with Paul Schnelzer that they would engage in conduct which would constitute such crimes and did an overt act in pursuance thereof, to-wit: Carl Ferrare and Paul Schnelzer did agree to enter the afore mentioned place of business in an unlawful manner and remove cash and cigarettes valued at \$799.00.

10/26/84 Amended to include Theft - See 3921.A.C.C.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly.

(3) I ask that a warrant of arrest or a summons be issued and that the accused be required to answer the charges I have made, and I swear to or affirm the within complaint upon my knowledge, information and belief, sign it on 6-19-1984, before A.M. Scharding, whose office is that of 3502-903 MAGISTRATE

COMMONWEALTH OF PENNSYLVANIA)
 COUNTY OF ALLEGHENY) ss.

Personally appeared before me on 6-19-84, 19_____, the affiant above named who, being duly sworn (Affirmed) according to law, signed this complaint in my presence and deposed and said that the facts set forth therein are true and correct to the best of affiants knowledge, information and belief.

AND NOW, this date 6-19-84, 19_____, I certify the complaint has been properly sworn to and executed before me, and that there is probable cause for issuance of process.

NAME	NUMBER
COMPLAINING MAGISTRATE	19
INCIDENT NO.	19
SEARCHED	19
SERIALIZED	19
INDEXED	19
FILED	19

COMMONWEALTH OF PENNSYLVANIA

DEFENDANT	VS.
NAME	DATE
A.K.A.	SEARCHED
R.S.A.	SERIALIZED
ADDRESS	INDEXED
February 14, 1983	

CC 8111063A

NAME DATE

A.K.A. SEARCHED

R.S.A. SERIALIZED

ADDRESS INDEXED

February 14, 1983

SEARCHED SERIALIZED INDEXED

INDEXED

Exhibit I

(Charles Spangler Court Records)

3-272

STATE OF WISCONSIN

COUNTY COURT

WOOD COUNTY

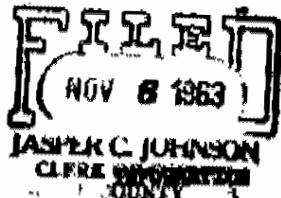
STATE OF WISCONSIN,

Plaintiff,

vs.

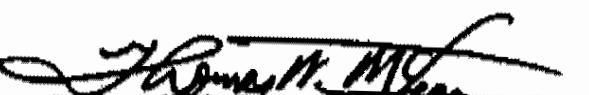
CHARLES EUGENE SPANGLER,

Defendant.



I, Thomas W. McLean, District Attorney in and for Wood County, Wisconsin, do hereby respectfully inform the Court that the above-named Defendant, Charles Eugene Spangler, in the Town of Cameron, in said Wood County, Wisconsin, on or about the 2nd day of November, 1963, he being a married person, did have sexual intercourse with a person not his spouse, to-wit: Carole Ann Wickman, contrary to the provisions of Section 944.16 (1) of the Wisconsin Statutes Revised, and against the peace and dignity of the State of Wisconsin.

Dated at Wisconsin Rapids, Wood County, Wisconsin, this 27
day of November, 1963.


Thomas W. McLean
District Attorney
Wood County, Wisconsin

3272

Information and certificate

State of Wisconsin, Branch 2, County _____ Court, For Wood County.

STATE OF WISCONSIN, Plaintiff,

vs.

CHARLES EUGENE SPANGLER

Defendant

SENTENCE AND CERTIFICATE

DEC 9 1963

JASPER C. JOHNSON
CLERK OF COURTS
WOOD COUNTY - WISCONSIN

At a term of this Court held at the Court House in the City of Wisconsin Rapids, Wisconsin, on the 9th day of December, 1963, before the Hon. Fred A. Fink, Judge, presiding.

Held defendant after pleading guilty to the crime of adultery.

In violation of Section 944.16 (1) of the Wisconsin Statutes of 1961, and the Court having found and adjudged the defendant guilty.

It is the judgment and sentence of this Court that you, Charles Eugene Spangler, the said defendant, be punished by paying a fine of \$200.00 and costs of \$8.50 or be confined in the Wood County Jail.

At Wisconsin Rapids, Wisconsin

For the indeterminate term of thirty (30) days.

and that such sentence shall commence at noon this 9th day of December, 1963.

By the Court:

Fred A. Fink

TRAFFIC BRANCH COUNTY COURT

State Case() County Case() City Case()

NAME *Charles Eugene Spangler*

Forfeiture 1 200 00

Fee 0

Costs 0 8.50

Traffic School ()

Property Damage ()

GD-3

3073 NUMBER	STATE OF WISCONSIN DEFENDANT	vs PLAINTIFF	SPANGLER, Charles
DATE FILED 4-30-65	TERM	YEAR 19 65	COMPLAINT VOL 27 PAGE 370
DATE OF CONVICTION 6-14-65			INFORMATION VOL 5 PAGE 183
ATTORNEY FOR DEFENDANT William Robson			INFORMATION FILING DATE
OFFENSE (1) Statutory Rape (2) Contribute to Delinquency of Minor			
DISPOSITION PLEA TO CT. #1 - GUILTY, Count #2, dismissed for failure to prosecute. Court sentences defendant to State Reformatory at Green Bay for indetermined period not to exceed five (5) years. Execution stayed and defendant placed on probation to S.D.P.W. for five (5) years. Defendant to pay costs of proceedings.			

Vol 3
Page 370STATE OF WISCONSIN
ROCK COUNTYSTATE OF WISCONSIN
vs.

County Court Branch 3

#3073

CHARLES SPANGLER

April 7, 1965, Complaint of Archie Divine being duly sworn on information & belief that on the 4th day of April, 1965, at the Township of Plymouth, in said County of Rock and State of Wisconsin;

COUNT ONE

the said CHARLES SPANGLER, being a male person did feloniously have sexual intercourse with a female, to-wit: being a female of the age of 15 years, knowing at the time that said female was not his wife, contrary to Section 944.10 (2) of the Wisconsin Statutes:

COUNT TWO

That on the 4th day of April, 1965, at the Township of Plymouth, in said County of Rock and State of Wisconsin, the said CHARLES SPANGLER, being a person eighteen (18) years of age or older, did unlawfully and intentionally contribute to the delinquency of a minor child, to-wit: a child of the age of 15 years contrary to Section 947.15 (1) (a) of the Wisconsin Statutes;

all against the peace and dignity of the State of Wisconsin;

Warrant issued.

April 30, 1965, case called. Hon. Edwin C. Dahlberg presiding.
Assistant District Attorney Samuel Leizzo appearing for the State of Wisconsin.

Defendant appearing in person.

Warrant returned and filed. Complaint read to defendant.

Defendant advised of Parnalty.

Defendant advised of right to Preliminary Hearing and right to attorney.

Matter continued to May 3, 1965 at 9 a.m. BOND - Five-Thousand (\$5000.00) COMMITMENT ISSUED

May 3, 1965, case called. Hon. Edwin C. Dahlberg presiding.
Assistant District Attorney Robert J. Ruth appearing for the State of Wisconsin.
Defendant appearing in person, and by William Robson, his attorney.

Copy of complaint served on William Robson.

William Robson requests Preliminary Hearing.

Preliminary Hearing - May 17, 1965 at 10:30 A.M. In Court III. Ten day period waived.

BOND - Five Thousand (\$5000.00) COMMITMENT ISSUED

May 17, 1965, case called. Hon. Edwin C. Dahlberg presiding.
Assistant District Attorney Robert Ruth appearing for the State of Wisconsin.

Defendant appearing in person, and by William Robson, his attorney.

Preliminary Rearing held: Testimony taken by Court Reporter and filed. Upon Testimony taken Court finds probable cause to believe felony has been committed and probable cause to believe defendant committed felony
Defendant bound over for Trial and File Information by District Attorney.

Matter continued to May 24, 1965 at 9 a.m. BOND CONTINUED

May 24, 1965, case called. Hon. Edwin C. Dahlberg presiding.
Assistant District Attorney Robert Ruth appearing for the State of Wisconsin
Defendant appearing in person, and by William Robson, his attorney.
Information Filed by District Attorney Charge Statutory Rape.

SEE INFORMATION DOCKET VOL. 5 PAGE 183

DEC/14/2017/THU 12:28 PM Rock Co Clk of Court

FAX No. 608-743-2223

P. 003

Volume 5

page

183

STATE OF WISCONSIN
ROCK COUNTY

COUNTY BRANCH III Court of the City of Beloit

STATE OF WISCONSIN

vs.

#3073

CHARLES SPANGLER

INFORMATION FILED ALLEGES AS FOLLOWS:

I, Robert J. Ruth, Assistant District Attorney in and for the County of Rock, State of Wisconsin do hereby inform the Court, that on the 4th day of April, 1965, at the Township of Plymouth, in said County of Rock and State of Wisconsin, the said CHARLES SPANGLER, being a male person, did feloniously have sexual intercourse with a female; to-wit: being a female of the age of 15 years, knowing at the time that said female was not his wife, contrary to Section 944.10 (2) of the Wisconsin Statutes;

all against the peace and dignity of the State of Wisconsin.

Dated this 24th day of May, 1965.

/s/ ROBERT J. RUTH
Assistant District Attorney

PLEA TO INFORMATION: GUILTY

Upon motion of District Attorney, Count #2 of Complaint Dismissed for failure to prosecute. Court orders Pre-sentence investigation. Continued to June 14, 1965 at 9 a.m. for Sentence Defendant remanded to custody of sheriff. COMMITMENT ISSUED May 24, 1965, case called. Hon. Edwin C. Dahlberg presiding. Assistant District Attorney Robert J. Ruth appearing for the State of Wisconsin. Defendant appearing in person, and William Robson as his attorney.

June 14, 1965, case called. Hon. Edwin C. Dahlberg presiding. Assistant District Attorney Robert J. Ruth appearing for the State of Wisconsin. Defendant appearing in person, and by William Robson, his attorney. FOR SENTENCE: Court sentences defendant to State Reformatory at Green Bay for indeterminate period not to exceed five (5) years. Execution stayed - Probation to S.D.P.W. five (5) years. Defendant to pay costs of proceedings.

DEC/14/2017/THU 12:28 PM

Rock Co Clk of Court

FAX No. 608-743-2222

P. 004

Case 217-ev-02641-JMY Document 61-2 Filed 12/06/22 Page 103 of 106

DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division of Corrections
DOC-2D (Rev. 8/84)

AMENDED I

STATE OF WISCONSIN
Wisconsin Statutes
Section 973.09JUDGMENT OF CONVICTION
SENTENCE WITHHELD, PROBATION ORDERED

AMENDED II

STATE OF WISCONSIN,
v.

Plaintiff STATE OF WISCONSIN, Circuit Court Branch

Charles Spangler

Defendant County Jackson

Defendant Date of Birth

Court Case No. 85-CR-116

The defendant entered his/her plea of guilty not guilty no contest;The Court Jury found the defendant guilty of:
FILEDCrime(s) Wis. Statute(s) Violated Felony or Misdemeanor (F or M) Class (A-E) Date(s) Committed
Possession of a Firearm 941.29 F E 3-22-85
Resisting an Officer 946.41(1) M 3-22-85

committed in this County; and

CLERK OF COURTS
CLAUDIA SINGLETON

On 11-11-85, the Court inquired of the defendant why sentence should not be pronounced, and no sufficient grounds to the contrary being shown or appearing to the Court, and the Court having accorded the district attorney, defense counsel, and the defendant an opportunity to address the Court regarding sentence; and upon all the evidence, records, and proceedings, the Court pronounced findings and judgment as follows:

IT IS ADJUDGED that the defendant on 10-28-85 was convicted as found guilty;

IT IS DETERMINED that society will not be harmed and the defendant will benefit by being placed on probation pursuant to Sec. 973.09, Wis. Stats.;

IT IS ADJUDGED that sentence is withheld and the defendant is placed on probation for the period of 3 years, in the custody and control of the Wisconsin Department of Health and Social Services, subject to its rules and orders pursuant to Sec. 973.10, Wis. Stats.;

IT IS DETERMINED AND ORDERED that the record requires court-imposed conditions as follows:

 None As ordered below:

That the defendant has the ability to pay within that period the amounts ordered herein. Should his/her financial condition change, s/he shall forthwith petition this Court for reconsideration of such conditions.

Fines: None \$; Court Costs: None \$ 20.00 ;Attorney Fees: None \$; Restitution: None \$;Other: None \$;Mandatory Felony 30.00 (# counts) @ \$30.00 Amount \$;Victim/Witness Surcharge Misdemeanor 20.00 (# counts) @ \$20.00 Amount \$;(Sec. 973.045 Wis. Stats.) Paid Yes Amount \$; No

That the defendant shall be incarcerated in the County Jail for the following periods:

 None The period of 100 days; and

said sentence to be served in Clark County.

Jail term to commence 11-12-85 at 8:00 A.M. Defendant can serve time in Manitowoc County if they will accept him. Work release privileges allowed.

No alcohol consumption whatsoever. Defendant must not go in any taverns.

Alcohol Assessment and treatment ordered. Court ordered in-patient treatment at Riverwood Center, St. Croixdale Hospital, Prescott, Wisconsin, In patient treatment

IT IS FURTHER ORDERED that the defendant shall pay surcharges pursuant to Sec. 973.09(1)(b), Wis. Stats., will count against jail term.

AMEND II 05-15-87 IS ADJUDGED 21 (10) days sentence credit are due pursuant to Sec. 973.155, Wis. Stats., and shall be credited if probation is revoked. Jail time reduced to 70 days with credit for 21 days served

Leaves 49 days to be served in the Jackson County Jail with work release privileges.

Obey all rules as prescribed by Division of Corrections. Elva Larson, Deputy, Clerk

(affix seal)

BY ORDER OF THE COURT: Signature of Judge, Deputy or Clerk of Court	
<i>Claudia Singleton</i>	
Name of Judge James Rice	Date Signed 11-11-85
Name of Defense Attorney John Brinkman	Name of District Attorney Michael McAlpine

IMPORTANT CLERK OF COURT PLEASE NOTE: Send the following to the local Probation and Parole Office - two copies of this Judgment; two copies of the defendant's Probation Questionnaire (Form DOC-38), and one copy of the Criminal Complaint.

Exhibit J

(Excerpt from the Deposition of Edward A. Williams)

EDWARD A. WILLIAMS

1 with your recollection?

2 A. It may be, but I'm almost positive
3 she asked me and I told her the truth.

4 Q. We'll take a look at those later
5 then too.

6 Do you recall what
7 punishment you received for the 2004 DUI?

8 A. Yes, probation, the fines, maybe a
9 year suspension on my driver's license.

10 Q. How about the house arrest?

11 A. Yes, house arrest.

12 Q. Do you recall why you ended up
13 getting house arrest?

14 A. I believe it had something to do
15 with some of my medical history. The things I
16 was going through back then.

17 Q. Do you recall how many days of
18 house arrest it was?

19 A. It was 90.

20 Q. Do you recall what in particular
21 your medical history led you to get house
22 arrest?

23 A. It's not expirated probably this
24 Wednesday or next Wednesday I'll be starting
25 Dialysis. My kidneys were sluggish back then

EDWARD A. WILLIAMS

1 and the doctors were monitoring everything.
2 They thought I'd be on Dialyses much sooner.
3 They wanted to hold out for a little while.
4 I'll be starting Dialysis this Wednesday. I
5 have to give them a call tomorrow. The plan was
6 start on the 16th. Back then they thought it
7 was going to be a lot sooner. So coupled with
8 the kidneys, the high blood pressure, I had to
9 stay inside and do house arrest for 90 days
10 instead of doing at the jail.

11 Q. So was the plan then for you, if
12 you needed it, to perform Dialysis at your home
13 during that 2004 DUI house arrest?

14 A. Probably just home or at the
15 center, but you have to do the center and get
16 trained before you can do it at home.

17 The way Dialysis I found out
18 you go in three days a week. In order for them
19 to train you at home, you need three to four
20 weeks of training at the centers.

21 So, when I start on
22 Wednesday, I go to the hospital for two days.
23 Then the following Monday I'm at the center.
24 The nurse will come in at some point one of my
25 days at the center and will be considered a